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TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Rev. 2]

PART 811—SUGAR REQUIREMENTS, CONTINENTAL UNITED STATES

REQUIREMENTS FOR 1952

Basis and purpose. The revised determination set forth below is made pursuant to section 201 of the Sugar Act of 1948. The act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that an increase in the estimate of requirements for the calendar year 1952 is necessary. The purpose of this revision is to make such determination conform to the requirements indicated on the basis of the factors specified in section 201 of the act.

Immediate availability of a part of the additional supply of sugar provided by this determination of sugar requirements is necessary to insure orderly marketing and to maintain a continuous and stable supply of sugar at prices that are not excessive to consumers. Therefore, in order effectively to carry out the purposes of the Sugar Act, it is necessary that the revision of the determination be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) is impracticable and contrary to the public interest, and the revision of the determination made herein shall be effective on the date of its publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (61 Stat. 922, 7 U. S. C. Sup. 1100) and the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001) Sugar Regulation 811, the determination of the amount of sugar needed to meet the requirements of consumers in the continental United States for 1952, as revised (16 F. R. 12929; 17 F. R. 9615), is hereby further revised to read as follows:

§ 911.4 *Sugar requirements, 1952.* The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1952 is hereby determined to be 7,900,000 short tons, raw value.

Statement of bases and considerations. On December 20, 1951, the supply of sugar required from quota sources in 1952 was determined to be 7,700,000 short tons, raw value. It was indicated at that time that distribution in the 12 months ended October 31, 1951, was about 7,850,000 short tons, raw value, that about 150,000 tons had been used in the 12 months from "invisible" inventories and that further depletion in such inventories probably would occur by December 31, 1951. Final distribution data for 1951 show a total of about 7,737,000 tons and "invisible" inventory statistics indicate the use of an additional quantity of approximately 250,000 tons. Thus, total use in 1951 appears to have been about 8,000,000 short tons. These quantities were utilized at annual average prices of 6.06 cents per pound for raw sugar and 8.38 cents, wholesale, New York basis, for refined sugar. Prices of 5.75 cents for raw sugar and 8.25 cents for refined prevailed at the time that the 7,700,000 ton determination was made. In that determination it was stated that these prices were too low to maintain the domestic sugar industry as required by the Sugar Act of 1948 and the quantity established reflected a reduction of 400,000 tons as a price stimulus.

On October 21, 1952, Revision 1 to Sugar Regulation 811 increased sugar requirements to 7,800,000 short tons, raw value. At that time it was pointed out that sugar distribution in 1952 to September 1 exceeded that for the corresponding period of 1951 by 240,000 tons but that it was necessary to continue a negative allowance for price effect.

Beginning in early June, the price of raw sugar, duty paid, New York, fluctuated between 6.37 and 6.62 cents per pound and the generally quoted basic price for refined sugar was 8.80 cents. Average prices for the first ten months of 1952 were 6.27 cents for raw sugar and 8.59 cents for refined sugar. In light of the criteria set forth in section 201 of the Sugar Act of 1948 and trends of other prices, refined sugar prices have not at-

(Continued on p. 10801)

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FEDERAL REGISTER

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tained levels which are "excessive to consumers".

By November 1, refiners, importers and processors of mainland sugarcane and sugar beets had distributed 6,992,171 short tons of sugar, raw value. This was 334,000 tons more than was distributed in the comparable period of 1951. In 1952 distribution in September and October was more than 100,000 tons higher than the highest for the same months in any of these four years. If November-December distribution should be about 1,100,000 tons as in the preceding four years, total 1952 distribution should be about 8,100,000 tons. The difference between actual distribution and total quota charges for a year is accounted for by changes in refiners and importers stocks.

Although an increase in quotas is necessary for continued market activity, in consideration of all stock and price data, the increase is limited to 100,000 tons, continuing a negative allowance for price effect.

Accordingly, the total of the quotas is increased by this action to 7,900,000 short tons, raw value.

(Sec. 403, 61 Stat. 932; 7 U. S. C., Sup. 1153)

Done at Washington, D. C., this 25th day of November 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN, *Secretary.*

[F. R. Doc. 52-12694; Filed, Nov. 28. 1952; 8:53 a. m.]

[Sugar Reg. 813, Amdt. 6]

PART 813—SUGAR QUOTAS AND PRORATIONS OF QUOTA DEFICITS

DETERMINATION AND PRORATION OF 1952 QUOTAS

Basis and purpose. The amendments herein are issued pursuant to sections 202 and 204 (b) of the Sugar Act of 1948 and are made for the purpose of giving effect to the revision of the determination of sugar requirements made by the Secretary of Agriculture.

After providing for quotas in specific amounts for domestic sugar producing areas and the Republic of the Philippines, section 202 of the act provides that the difference between the sum of such quotas and total requirements shall be prorated to foreign countries other than the Republic of the Philippines on the basis of stated percentages. Thus, the statute states specifically how quotas are to be revised when there is a change in sugar requirements. Furthermore, in order to make available the additional sugar authorized by this amendment to meet current demand at stable prices and thereby protect the interests of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is impracticable, unnecessary and contrary to the public interest. The amendments made herein shall become effective upon publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948 (61 Stat. 922, 7 U. S. C. Sup. 1100) and the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001), Sugar Regulation 813 (16 F. R. 13032; 17 F. R. 5691, 6758, 8449, 10498), establishing sugar quotas for 1952 is hereby amended as hereinafter set forth.

1. Section 813.32 is changed to read:

§ 813.32 *Basic quotas for other areas.* There are hereby established, pursuant to subsections (b) and (c) of section 202 of the act, for foreign countries for the calendar year 1952 the following quotas.

Area:	*Quotas in terms of short tons, raw value*
Republic of the Philippines	974,000
Cuba	2,621,851
Other foreign countries	36,149

2. Paragraphs (e) and (f) of § 813.33 are changed to read:

§ 813.33 *Determination and proration of area deficits.* * * *

(e) *Deficit in proration of quota for foreign countries other than Cuba and the Republic of the Philippines.* It is hereby determined, pursuant to section 204 (b) of the act, that unfilled prorations to foreign countries of the quota for foreign countries other than Cuba and the Republic of the Philippines established under section 202 (c) of the act amount to 36,625,299 pounds of sugar, raw value, and that by September 1, 1952, Colombia, Costa Rica, the Dominican Republic, Haiti, Netherlands, Peru, and the United Kingdom had filled their

prorations of such quota in effect on that date.

(f) *Allotment of unfilled prorations of quota for foreign countries other than Cuba and the Republic of the Philippines.* An amount of sugar equal to the unfilled prorations to foreign countries determined in paragraph (e) of this section is hereby prorated, pursuant to subsections (b) and (d) of section 204 of the act as follows:

Country:	*Additional prorations in pounds, raw value*
Colombia	508
Costa Rica	39,100
Dominican Republic	12,658,870
Haiti	1,749,512
Netherlands	413,577
Peru	21,098,054
United Kingdom	665,678

3. Paragraph (a) of § 813.34 is changed to read:

§ 813.34 *Proration of quota for foreign countries other than Cuba and the Republic of the Philippines*—(a) *Basic prorations.* The quota for foreign countries other than Cuba and the Republic of the Philippines is hereby prorated, pursuant to subsection (c) of section 202 of the act, among such countries as follows:

Country:	*Proration in pounds, raw value*
Belgium	427,264
Canada	819,089
China and Hong Kong	418,272
Czechoslovakia	382,251
Dominican Republic	9,681,027
Dutch East Indies	306,879
Guatemala	486,197
Haiti	1,337,961
Honduras	4,983,262
Mexico	8,756,833
Netherlands	316,288
Nicaragua	14,838,437
Peru	16,134,997
Salvador	11,916,826
United Kingdom	509,085
Venezuela	421,013
Other countries	62,319
Subtotal	71,798,000
Unallotted reserve	500,000
Total	72,298,000

Statement of bases and considerations—Revised quotas due to increase in requirements. The revised quotas for Cuba and "Other Foreign Countries" have been established by prorating the amount by which the revised estimate of requirements exceeds the quotas for domestic areas and the Republic of the Philippines on the basis of 98.64 per centum to Cuba and 1.36 per centum to "Other Foreign Countries" as provided in section 202 (c) of the act. In addition, the revised quota for "Other Foreign Countries", after setting aside 500,000 pounds for an unallotted reserve, has been prorated on the basis of the division of the quota made in General Sugar Quota Regulations, Series 4, No. 1, issued December 12, 1936, as provided in section 202 (c).

Area deficit. Section 204 (b) of the act provides that if on the first day of September in any calendar year any part or all of any proration of the basic quota to a foreign country other than Cuba and the Republic of the Philippines has not been filled, the Secretary may revise the prorations and allot the unfilled portions to those foreign countries which have filled their prorations by such date. Such revision was made by S. R. 813, Amendment 3 (17 F. R. 8449) on the basis of the basic quota for such countries prevailing on that date. Inasmuch as only Colombia, Costa Rica, the Dominican Republic, Haiti, Netherlands, Peru, and the United Kingdom had filled their prorations of the smaller basic quota then prevailing, the unfilled portions of the quota established in § 813.32 herein and prorated in § 813.34 (a) is reallotted in § 813.33 (f) to the seven countries indicated above.

After giving effect to the changes set forth in this amendment to Sugar Regulation 813, the quotas for all areas are as follows:

BASIC AND ADJUSTED QUOTAS, 1952

[Short tons, raw value]

Production area	Basic quota	Adjusted quota [1]
Domestic beet sugar	1,800,000	1,600,000
Mainland cane sugar	500,000	533,296
Hawaii	1,052,000	982,000
Puerto Rico	910,000	970,599
Virgin Islands	6,000	6,400
Philippines	974,000	774,000
Cuba	2,621,851	2,987,556
Other foreign countries: [2]		
Belgium	213.6	
Canada	409.5	
China and Hongkong	209.1	.3
Czechoslovakia	191.1	
Dominican Republic	4,840.6	13,865.8
Dutch East Indies	153.4	
Guatemala	243.1	
Haiti	669.0	1,916.3
Honduras	2,491.6	
Mexico	4,378.4	2,504.8
Netherlands	158.2	364.9
Nicaragua	7,419.2	3,764.9
Peru	8,067.5	23,109.6
Salvador	5,958.4	
United Kingdom	254.6	587.4
Venezuela	210.5	
Other countries	31.2	35.0
Unallotted reserve	250.0	
Subtotal	36,149.0	46,149.0
Total	7,900,000	7,900,000

[1] The following quantities may be entered as direct-consumption sugar; Hawaii, 29,616 tons; Puerto Rico, 126,033; Philippines 59,920; Cuba, 375,000. Regardless of deficit prorations, by reason of section 204 (c) of the act each production area retains its basic quota.

[2] Prorations of basic quota may be filled with direct-consumption or raw sugar. Prorations of Philippine deficit, shown in S. R. 813, Amdt. 1, may be filled with raw sugar only.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153)

Done at Washington, D. C., this 25th day of November 1952. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN,
Secretary.

[F. R. Doc. 52-12695; Filed, Nov. 28, 1952; 8:53 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 171]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.600 *Grapefruit Regulation 171*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than December 1, 1952. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until December 1, 1952; the recommendation and supporting information for continued regulation subsequent to November 30, was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 25; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., December 1, 1952, and ending at 12:01 a. m., e. s. t., December 29, 1952, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which do not grade at least U. S. No. 2;

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of

a standard pack, in a standard nailed box;

(iii) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iv) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "variety," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§ 51.193 of this title; 17 F. R. 7408).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 26th day of November 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-12753; Filed, Nov. 28, 1952; 9:32 a. m.]

[Orange Reg. 226]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.599 *Orange Regulation 226*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than December 1, 1952. Shipments of oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until December 1, 1952; the recommendation and supporting information for continued regulation subsequent to November 30 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 25; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges; and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., December 1, 1952, and ending at 12:01 a. m., e. s. t., December 29, 1952, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet; or

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than $2\frac{10}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Oranges (§ 51.302 of this title; 17 F. R. 7879): *Provided,* That in determining the percentage of oranges in any lot which are smaller than $2\frac{10}{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2\frac{14}{16}$ inches in diameter and smaller.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the term "U. S. No. 1 Russet" shall have the same meaning as when used in the revised United States Standards for Florida Oranges (§ 51.302 of this title; 17 F. R. 7879).

(3) Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 225 (7 CFR 933.596; 17 F. R. 10438).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 26th day of November 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-12754; Filed, Nov. 28, 1952; 9:32 a. m.]

[Tangerine Reg. 128]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.601 *Tangerine Regulation 128*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than December 1, 1952. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until December 1, 1952; the recommendation and supporting information for continued regulation subsequent to November 30 was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 25; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time of this section, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the

period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., December 1, 1952, and ending at 12:01 a. m., e. s. t., December 15, 1952, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2; or

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and "U. S. No. 2," and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§ 51.417 of this title; 17 F. R. 8377).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 26th day of November 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 52-12755; Filed, Nov. 28, 1952; 9:33 a. m.]

[Lemon Reg. 463]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.570 *Lemon Regulation 463*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 14 F. R. 3612), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on November 25, 1952; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 30, 1952, and ending at 12:01 a. m., P. s. t., December 7, 1952, is hereby fixed as follows:

(i) District 1: 25 carloads;

(ii) District 2: 212 carloads;

(iii) District 3: 13 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(48 Stat. 31, as amended; 7 U. S. C. 601)

Done at Washington, D C., this 26th day of November 1952.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[Storage date: Nov. 23, 1952]

DISTRICT NO. 1

[12:01 a. m. Nov. 30, 1952, to 12:01 a. m. Dec. 14, 1952]

Handler	Prorate base (percent)
Total	100.000
Klink Citrus Association	34.997
Lemon Cove Association	25.777
Tulare County Lemon & Grapefruit Association	27.933
California Citrus Groves, Inc., Ltd.	.000
Harding & Leggett	5.740
Zaninovich Brothers, Inc.	5.553

DISTRICT NO. 2

Total	100.000
American Fruit Growers, Inc., Corona	.068
American Fruit Growers, Inc., Fullerton	.316
American Fruit Growers, Inc., Upland	.101
Eadington Fruit Co.	.526
Ventura Coastal Lemon Co.	5.447
Ventura Pacific Co.	4.173
Glendora Lemon Growers Association	1.697
La Verne Lemon Association	.356
La Habra Citrus Association	.653
Yorba Linda Citrus Association, The	.450
Escondido Lemon Association	1.035
Cucamonga Mesa Growers	.384
Etiwanda Citrus Fruit Association	.101
Mountain View Fruit Association	.000
San Dimas Lemon Association	.716
Upland Lemon Growers Association	2.691
Central Lemon Association	.196
Irvine Citrus Association	.312
Placentia Mutual Orange Association	.664
Corona Citrus Association	.100
Corona Foothill Lemon Co.	.622
Jameson Co.	.369
Arlington Heights Citrus Co.	.240
College Heights Orange & Lemon Association	2.241
Chula Vista Citrus Association, The	.490
Escondido Cooperative Citrus Association	.066
Fallbrook Citrus Association	1.183
Lemon Grove Citrus Association	.227
Carpinteria Lemon Association	4.295
Carpinteria Mutual Citrus Association	4.750
Goleta Lemon Association	6.209
Johnston Fruit Co.	7.824
North Whittier Heights Citrus Association	.140
Hazeltine Packing Co.	.295
San Fernando Heights Lemon Association	.744
Sierra Madre-Lamanda Citrus Association	.410
Briggs Lemon Association	2.312
Culbertson Lemon Association	1.476
Fillmore Lemon Association	.480
Oxnard Citrus Association	6.147
Rancho Sespe	.603
Santa Clara Lemon Association	5.923
Santa Paula Citrus Fruit Association	2.094
Saticoy Lemon Association	6.218
Seaboard Lemon Association	7.529
Somis Lemon Association	4.826
Ventura Citrus Association	1.338
Ventura County Citrus Association	1.013
Limoneira Co.	2.337
Teague-McKevett Association	.469
East Whittier Citrus Association	.288
Leffingwell Rancho Lemon Association	.376
Murphy Ranch Co.	.675

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Chula Vista Mutual Lemon Association	0.497
Index Mutual Association	.204
La Verne Cooperative Citrus Association	1.032
Ventura County Orange & Lemon Association	3.560
Whittier Mutual Orange & Lemon Association	.008
Dunning Ranch	.070
Huarte, Joseph D	.000
Latimer Harold	.065
Orange Belt Fruit Distributors	.296
Paramount Citrus Association, Inc	.073
Santa Rosa Lemon Association	.000

DISTRICT NO. 3

Total	100.000
Consolidated Citrus Growers	7.560
Phoenix Citrus Packing Co	2.516
Arizona Citrus Growers	49.574
Desert Citrus Growers Co	12.849
Tempeco Groves	10.336
Arlington Heights Citrus Co	7.342
Mesa Harvest Produce Co	1.613
Pioneer Fruit Co	5.980
Allen & Allen Citrus Packing Co	.000
Maricopa Citrus Co	.000
Mutual Citrus Products Co., Inc	.000
Sunny Valley Citrus Packing Co	1.497
Valley Citrus Packing Co	.733

[F. R. Doc. 52-12752; Filed, Nov. 28, 1952; 9:32 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 50—CONTROL OF FACILITIES FOR THE PRODUCTION OF FISSIONABLE MATERIAL

ELECTRONUCLEAR MACHINES

Title 10, Chapter I, Part 50, Code of Federal Regulations, entitled "Control of Facilities for the Production of Fissionable Material" is hereby amended in the following respect, effective December 1, 1952:

Section 50.2 *Definitions,* is amended by addition of a new paragraph (f) reading as follows:

(f) The term "electronuclear machines" does not include X-ray generators.

(60 Stat. 755-775; 42 U. S. C. 1801-1819)

Dated at Washington, D. C., this 21st day of November 1952.

By order of the Commission.

M. W. BOYER,
General Manager.

[F. R. Doc. 52-12640; Filed, Nov. 28, 1952; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 21]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act, would be impracticable. Part 610 is amended as follows:

1. Section 610.13 *Green civil airway No. 3* is amended to read in part:

From—	To—	Minimum altitude
Reno, Nev. (LFR)	Desert Peak (INT), Nev.	11,000
Desert Peak (INT), Nev.	Lovelock, Nev. (LFR).	10,000

2. Section 610.14 *Green civil airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
Liberty, Mo. (LF/RBN).	Columbia, Mo. (LFR).	2,200

3. Section 610.15 *Green civil airway No. 5* is amended to read in part:

From—	To—	Minimum altitude
Blythe, Ariz. (LFR)	White Tank (INT), Ariz.	6,000
White Tank (INT), Ariz.	Phoenix, Ariz. (LFR).	5,000

4. Section 610.206 *Red civil airway No. 6* is amended to read in part:

From—	To—	Minimum altitude
Grand Junction, Colo. (VAR).[1]	Int. E crs. Grand Junction, Colo. (VAR), and 227° True rad. Kremmling, Colo. (VOR).	16,000
Int. E crs. Grand Junction, Colo. (VAR), and 227° True rad. Kremmling, Colo. (VOR).	Kremmling, Colo. (VOR).	16,000
Kremmling, Colo. (VOR).	Denver, Colo. (VOR)	16,000
Superior, Colo. (FM)	Denver, Colo. (VOR) (eastbound only).	10,000

[1] 11,000'—Minimum crossing altitude at Grand Junction (VAR), eastbound.

5. Section 610.212 *Red civil airway No. 12* is amended to read in part:

From—	To—	Minimum altitude
Liberty, Mo. (LF/RBN)	Kirksville, Mo. (LFR)	2,300

6. Section 610.251 *Red civil airway No. 51* is amended by adding:

From—	To—	Minimum altitude
Erie, Pa. (LFR)	Bradford, Pa. (RBN)	4,000
Bradford, Pa. (RBN)	Elmira, N. Y. (LFR)	4,500

7. Section 610.304 *Red civil airway No. 104* is amended to eliminate:

From—	To—	Minimum altitude
Erie, Pa. (LFR)	Bradford, Pa. (RBN)	4,000
Bradford, Pa. (RBN)	Elmira, N. Y. (LFR)	4,500

8. Section 610.6006 *VOR civil airway No. 6* is amended by adding:

From—	To—	Minimum altitude
Half Moon Bay (INT), Calif.	Oakland, Calif. (VOR).	4,000

9. Section 610.6016 *VOR civil airway No. 16* is amended by adding:

From—	To—	Minimum altitude
Hassayampa, Ariz. (VOR).	Phoenix, Ariz. (VOR)	5,000

10. Section 610.6027 *VOR civil airway No. 27* is amended to read in part:

From—	To—	Minimum altitude
Paso Robles, Calif. (VOR).	Salinas, Calif. (VOR)	5,000
Salinas, Calif. (VOR), via W. alter.	Lightship (INT), Calif. via W. alter.	5,000
Lightship (INT), Calif. via W. alter.	Ukiah, Calif. (VOR), via W. alter.	6,000

11. Section 610.6095 *VOR civil airway No. 95* is amended to read in part:

From—	To—	Minimum altitude
Phoenix, Ariz. (VOR)	Winslow, Ariz. (VOR)	10,000

12. Section 610.6105 *VOR civil airway No. 105* is added to read:

From—	To—	Minimum altitude
Phoenix, Ariz. (VOR)	Prescott, Ariz. (VOR)	10,000

13. Section 610.6107 *VOR civil airway No. 107* is added to read:

From—	To—	Minimum altitude
Santa Barbara, Calif. (VOR).	Bakersfield, Calif. (VOR).	9,000
Int. 150° true rad. Coalinga, Calif. (VOR), with direct radials between Santa Barbara, Calif. (VOR), and Bakersfield, Calif. (VOR).	Bakersfield, Calif. (VOR) (eastbound only).	3,000

14. Section 610.6109 *VOR civil airway No. 109* is added to read:

From—	To—	Minimum altitude
Paso Robles, Calif. (VOR).	Coalinga, Calif. (VOR).	7,000
Coalinga, Calif. (VOR).[1]	Fresno, Calif. (VOR).	3,000

[1] 5,000'—Minimum crossing altitude at Coalinga (VOR), southwest-bound.

15. Section 610.6113 *VOR civil airway No. 113* is added to read:

From—	To—	Minimum altitude
Modesto, Calif. (VOR)[1]	Reno, Nev. (VOR)	13,000

[1] 5,000'—Minimum crossing altitude at Modesto (VOR), northeast-bound.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective December 2, 1952.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 52-12641; Filed, Nov. 28, 1952; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5736]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BEE JAY PRODUCTS, INC., ET AL.

Subpart—*Using, selling or supplying lottery devices:* § 3.2475 *Devices for lottery selling.* Selling or distributing in commerce, push cards, punchboards, jar games, spindle games, or other lottery devices which are to be used or which, due to their design, are suitable for use in the sale and distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Bee Jay Products, Inc., Chicago, Illinois, and Universal Manufacturing Company, Kansas City, Missouri, et al., Docket 5736, September 29, 1952]

In the Matter of Bee Jay Products, Inc., and Joseph Berkowitz, Reuben Berkowitz, and Maurcy M. Ball, Individually and as Officers of Bee Jay Products, Inc., and Universal Manufacturing Company, a Corporation, and Mrs. Anna Berkowitz, Reuben Berkowitz, and Bertha Berkowitz, Individually and as Officers of Universal Manufacturing Company

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on January 25, 1950, issued and subsequently served its complaint in this proceeding upon the respondents named in the caption hereof, charging them with the use of unfair acts and practices in commerce in violation of the provisions of that act. After the filing by respondents of an answer to the complaint, a hearing was held before a hearing examiner of the Commission theretofore duly designated by it at which hearing counsel for all of the respondents except Maurcy M. Ball and Mrs. Anna Berkowitz requested leave to withdraw their answer to the complaint and to substitute therefor an answer admitting all of the material allegations of fact in the complaint and waiving all intervening procedure and further hearing as to the facts, the substitute answer reserving, however, the right of such respondents to appeal from any decision rendered in the proceeding by the hearing examiner and/or the Commission. The substitute answer was tendered upon condition that the initial decision of the hearing examiner in the proceeding be deferred until the determination by the Commission of another proceeding, that of Superior Products, Docket No. 5561. The request to file such substitute answer being granted by the hearing examiner, it was duly received and filed as a part of the record in the proceeding. At the hearing testimony was received with respect to respondents Maurcy M. Ball and Mrs. Anna Berkowitz, the two respondents not joining in the substitute answer, and such testimony was duly recorded and filed in the office of the Commission. Thereafter, the Commission having rendered its final decision in the Superior Products case, the hearing examiner, on February 15, 1952, filed his initial decision herein.

Within the time permitted by the Commission's rules of practice, counsel for all respondents, other than Maurcy M. Ball and Mrs. Anna Berkowitz, filed with the Commission an appeal from said initial decision and thereafter this proceeding regularly came on for final consideration by the Commission upon the record herein, including briefs in support of and in opposition to said appeal (respondents' application for oral argument of counsel before the Commission having been denied); and the Commission, having issued its order granting said appeal in part and denying it in part and being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes this its findings as to the facts[1] and its conclusion drawn therefrom[1] and its order, the same to be in lieu of the initial decision of the hearing examiner.

[1] Filed as part of the original document.

It is ordered, That respondents Bee Jay Products, Inc., a corporation, and Universal Manufacturing Company, a corporation, and their respective officers, and Joseph Berkowitz, Reuben Berkowitz and Bertha Berkowitz, individually and as officers of either or both of said corporations, and their respective agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Selling or distributing in commerce, as "commerce" is defined in the Federal Trade Commission Act push cards, punchboards, jar games, spindle games, or other lottery devices which are to be used or which, due to their design, are suitable for use in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That respondents Bee Jay Products, Inc., Universal Manufacturing Company, Joseph Berkowitz, Reuben Berkowitz and Bertha Berkowitz shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondents Mrs. Anna Berkowitz, deceased, and Maurcy M. Ball.

Issued: September 29, 1952.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 52-12666; Filed, Nov. 28, 1952; 8:48 a. m.]

[Docket 5940]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NUCLEAR PRODUCTS CO.

Subpart—*Advertising falsely or misleadingly:* § 3.195 *Safety;* § 3.205 *Scientific or other relevant facts.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 3.1890 *Safety;* § 3.1895 *Scientific or relevant facts.* In connection with the offer and sale, sale or distribution in commerce, of devices containing the element polonium as an active ingredient, (1) representing, directly or by implication, that such devices are safe for use, unless it is clearly and conspicuously disclosed, in immediate connection with the representation, that the polonium in said devices is dangerous to health if inhaled into the lungs or ingested; (2) representing, directly or by implication, that polonium is harmless; or, (3) offering for sale, selling or distributing such devices unless adequate cautionary or warning notices are clearly and conspicuously impressed or imprinted upon said devices or permanently attached thereto, indicating possible harmful effects of ingesting or inhaling polonium and directing the user not to touch the polonium element and to keep the device away from children; prohibited, subject to the pro-

vision, however, as respects the above third prohibition, that such warning or cautionary notices may be condensed if they clearly refer to and are amplified by adequate directions for safe use separately printed and enclosed in the carton or permanent container in which said devices are shipped and kept.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Nuclear Products Company, Costa Mesa, Calif., Docket 5949, September 20, 1952]

This proceeding was heard by J. Earl Cox, hearing examiner, upon the complaint of the Commission, respondent's answer, and a stipulation whereby it was stipulated and agreed that a statement of facts, signed and executed by counsel for respondent and J. W. Brookfield, Jr., counsel supporting the complaint, might be taken as the facts in the proceeding and in lieu of testimony in support of and in opposition to the charges stated in the complaint, and might serve as the basis of findings as to the facts and conclusion based thereon and order disposing of the proceeding, respondent, however, expressly requesting the right to file proposed findings, conclusion and order.

Thereafter the proceeding regularly came on for final consideration by said examiner upon the complaint, answer thereto, stipulation and proposed findings, conclusions and orders submitted by counsel, oral argument not having been requested and said examiner, having approved said stipulation and having found, after duly considering the record in the matter, that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on September 20, 1952.

The said order to cease and desist is as follows:

It is ordered, That the respondent, Nuclear Products Company, a corporation, its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of devices containing the element polonium as an active ingredient, do forthwith cease and desist from:

1. Representing, directly or by implication, that such devices are safe for use, unless it is clearly and conspicuously disclosed, in immediate connection with the representation, that the polonium in said devices is dangerous to health if inhaled into the lungs or ingested.

2. Representing, directly or by implication, that polonium is harmless.

3. Offering for sale, selling or distributing such devices unless adequate cautionary or warning notices are clearly and conspicuously impressed or imprinted upon said devices or permanently attached thereto, indicating possible harmful effects of ingesting or inhaling polonium and directing the user not to touch the polonium element and to keep the device away from children; provided, however, that such warning or cautionary notices may be condensed if they clearly refer to and are amplified by adequate directions for safe use separately printed and enclosed in the carton or permanent container in which said devices are shipped and kept.

By "Decision of the Commission and order to file report of compliance", Docket 5949, September 19, 1952, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon it of this order file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: September 19, 1952.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 52-12665; Filed, Nov. 28, 1952; 8:47 a. m.]

[1] Filed as part of the original document.

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter D—Federal Savings and Loan Insurance Corporation

PART 161—DEFINITIONS

WHO ARE INSURED MEMBERS FOR PURPOSES OF INSURANCE OF ACCOUNTS

NOVEMBER 25, 1952.

Resolved that, pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108) and § 167.1 of the rules and regulations for insurance of accounts (24 CFR 167.1), notice and public procedure having been duly afforded (17 F. R. 9079), effective November 29, 1952, § 161.2 of the rules and regulations for insurance of accounts (24 CFR 161.2) is hereby amended to read as follows:

§ 161.2 *Insured member.* An "insured member" may be an individual, a partnership, an association, or a corporation holding an insured account. Each officer, employee, or agent of the United States, of any State of the United States, of the District of Columbia, of any Territory of the United States, of Puerto Rico, of the Virgin Islands, of any county, of any municipality, or of any political subdivision thereof, herein called "public unit," having official custody of public funds and lawfully investing the same in an insured account is an insured member in such custodial capacity separate and distinct from any other officer, employee, or agent of the same or any public unit having official custody of public funds and lawfully investing the same in the same insured institution in custodial capacity. Each valid trust estate invested by the fiduciary in an insured account is an insured member separate and distinct from any other valid trust estate invested by the same or another fiduciary in the same insured institution. If the owner or the beneficiary of any such trust estate has any other investment in the same insured institution, held in a different capacity and right, he is, as to such investment, an insured member separate and distinct from such trust estate. In the event the funds of more than one trust estate, such trust estate being the interest of each beneficiary in such trust funds, are invested by the fiduciary in one insured account in an insured institution and the interest of each particular trust estate in such insured account is disclosed upon the records of the insured institution or upon the records of the fiduciary maintained in good faith and in the regular course of business, each such trust estate will be considered as a separate insured account as disclosed upon such records. In the event a fiduciary invests in one insured account funds of more than one trust estate which are commingled, each such trust estate in such insured account will be considered as a separate insured account for an amount determined by apportioning the total amount in the insured account to the trust estates having an interest therein upon the same ratio as the interest of such trust estates in the total commingled fund out of which the investment was made by the fiduciary.

Resolved further, that, this amendment being for the purpose of conformity with the amendment of section 401 (b) of the National Housing Act, as amended, in Public Law 558 of the 82d Congress, approved July 16, 1952, no reason exists for the deferment of its effective date under the provisions of section 4 of the Administrative Procedure Act, and the amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 402, 48 Stat. 1256, as amended; 12 U. S. C. 1725. Interprets and applies sec. 401, 48 Stat. 1255, as amended by Pub. Law 558, 82d Cong.; 12 U. S. C. 1724)

By the Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 52-12670; Filed, Nov. 28, 1952; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter F—Personnel

PART 581—PERSONNEL REVIEW BOARDS

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

Section 581.3 is hereby rescinded and the following is substituted therefor:

§ 581.3 *Army Board for correction of military records*—(a) *Purpose.* This section establishes procedures for making

application, and the consideration of applications, for the correction of military records by the Secretary of the Army acting through the Army Board for Correction of Military Records (hereinafter referred to as the Board).

(b) *Establishment, functions, and jurisdiction of the Board*—(1) *Establishment and composition.* (i) Pursuant to the provisions of section 207 of the Legislative Reorganization Act of 1946, as amended, the Army Board for Correction of Military Records is established in the Office of the Secretary of the Army.

(ii) The Board will consist of civilian officers or employees of the Department of the Army in such number, not less than three, as may be appointed by the Secretary of the Army. Three members present shall constitute a quorum of the Board. The Secretary of the Army will designate one member as the Chairman. In the event of absence or incapacity of the Chairman, an Acting Chairman chosen by the Board shall act as Chairman for all purposes.

(2) *Function.* The function of the Board is to consider all applications properly before it for the purpose of determining the existence of an error or an injustice and to make appropriate recommendations to the Secretary of the Army.

(3) *Jurisdiction.* The Board shall have jurisdiction to review and determine all matters properly brought before it consistent with existing law.

(c) *Application for correction*—(1) *General requirements.* (i) The application for correction should be submitted on DD Form 149 (Application for Correction of Military or Naval Record) or exact facsimile thereof, and should be addressed to: Army Board for Correction of Military Records, Department of the Army, Washington 25, D. C. Forms and explanatory matter may be obtained from The Adjutant General, Washington 25, D. C. For those applicants in the military service, these forms may be obtained through publications supply channels.

(ii) Except as provided in subdivision (iii) of this subparagraph, the application shall be signed by the person requesting corrective action with respect to his record and will either be sworn to or will contain a provision to the effect that the statements submitted in the application are made with full knowledge of the penalty provided by law for making a false statement or claim. (18 U. S. C. 287, 1001.)

(iii) When the record in question is that of a person who is incapable of making application himself, or whose whereabouts are unknown, or when such person is deceased, for the purpose of bringing the matter before the Board the application may be made (except where compliance with the provisions of the law with respect to time limitations for filing an application may require otherwise) by such person as the Board shall determine to be competent and suitable and to have a proper interest therein, including but not limited to a spouse, a parent, or relative. Such proof of suitability and proper interest shall be submitted as may be required by the Board.

(2) *Time limit for filing application.* The claimant, his heirs at law, or legal representatives, must file a request for correction of a record with the Secretary of the Army prior to October 25, 1961, or within 3 years of discovery of the alleged error or injustice, whichever be the later. The failure to file such request within the time prescribed may be excused by the Board on its finding that it is in the interest of justice to do so.

(3) *Exhaustion of other remedies.* No application will be considered until the applicant has exhausted all effective administrative remedies afforded him by existing law or regulations, and such legal remedies as the Board shall determine are practical and appropriately available to the applicant.

(4) *Other proceedings not stayed.* The application to the Board for correction of a record shall not operate as a stay of any proceedings being taken with respect to the person involved.

(5) *Denial of application.* It shall be adequate ground for denial of any application that a sufficient basis for review has not been established or that effective relief cannot be granted.

(d) *Entitlement to hearing*—(1) *General.* When an application has been found to be within the jurisdiction of the Board and sufficient evidence has been presented indicating probable error or injustice, the applicant will be entitled to a hearing before the Board either in person or by counsel of his own selection or in person with counsel.

(2) *Notice.* (i) In each case in which a hearing is authorized, the Board will transmit to the applicant and counsel, if any, a written notice stating the time and place of hearing. The notice will be mailed to the applicant and counsel, if any, at least 30 days prior to the date of hearing, except that an earlier date may be set where the applicant waives his right to such notice in writing.

(ii) Upon receipt of notice of hearing, the applicant will notify the Board in writing at least 15 days prior to the date set for hearing as to whether he will be present at the hearing and will indicate to the Board the name of counsel, if represented by counsel, and the names of such witnesses as he may intend to call in his behalf. Cases in which the applicant notifies the Board that he does not desire to be present at the hearing, will be considered in accordance with paragraph (e) (2) (ii) of this section.

(3) *Counsel.* As used in this section, the term "counsel" will be construed to include members in good standing of the Federal Bar or the Bar of any State, accredited representatives of veterans organizations recognized by the Veterans' Administration under section 200 of the act of June 29, 1936 (40 Stat. 2031; 38 U. S. C. 101), and such other persons who, in the opinion of the Board, are considered to be competent to present equitably and comprehensively the request of the applicant for correction, unless barred by law.

(4) *Witnesses.* The applicant will be permitted to present witnesses in his behalf at hearings before the Board. It will be the responsibility of the applicant to notify his witnesses and to arrange for their appearance at the time and place set for hearing.

(5) *Access to records.* (i) The applicant shall have access to such official records as are deemed necessary to an adequate presentation of his case. It will be the responsibility of the applicant to procure such evidence not contained in the official records of the Department of the Army as he desires to present in support of his case.

(ii) Classified or privileged matter shall not be disclosed or made available without express finding of the Chairman that such disclosure is required in the case and is not detrimental to the public interest. Such disclosure must be in accordance with law and departmental regulations concerning the security of classified material. When appropriate the applicant may be supplied only with a summary or extract of classified matter.

(e) *Hearing*—(1) *Convening of Board.* The Board will be convened at the call of the Chairman and will recess or adjourn at his order.

(2) *Conduct of hearing.* (i) The hearing shall be conducted by the Chairman, and shall be subject to his rulings so as to insure a full and fair hearing. The Board shall not be limited by legal rules of evidence but shall maintain reasonable bounds of competency, relevancy, and materiality.

(ii) If the applicant, after being duly notified, has indicated to the Board that he does not desire to be present or to be represented by counsel at the hearing, the Board will consider the case on the basis of all the material before it, including, but not limited to, the application for correction filed by the applicant, any documentary evidence filed in support of such application, any brief submitted by or in behalf of the applicant, and all available pertinent records.

(iii) If the applicant, after being duly notified, has indicated to the Board that he will be present or be represented by counsel at the hearing, and without good cause and timely notice to the Board, he or his representative fails to appear at the time and place set for the hearing, the Board may consider the case in accordance with the provisions of subdivision (ii) of this subparagraph, or will make such other disposition of the case as is indicated under the circumstances.

(iv) All testimony before the Board shall be given under oath or affirmation. The proceedings of the Board and the testimony given before it will be recorded verbatim.

(3) *Continuance.* The Board may continue a hearing on its own motion. A request for continuance by or in behalf of the applicant may be granted by the Board if a continuance appears necessary to insure a full and fair hearing.

(f) *Action on application*—(1) *Action by the Board*—(i) *Deliberations, findings, decisions, and recommendations.* (a) Only members of the Board and its staff shall be present during the deliberations of the Board.

(b) Whenever, during the course of its review of the case, it appears to the Board's satisfaction that the facts have not been fully and fairly disclosed by the records or by the testimony and other evidence before the Board, the Board

may require the applicant to obtain, or the Board may obtain, such further information as it may consider essential to a complete and impartial determination of the facts and issues.

(c) Following a hearing, the Board will make written findings, decisions, and recommendations. A majority vote of the members present on any matter before the Board will constitute the action of the Board and shall be so recorded.

(d) Where the Board deems it necessary to submit comments or recommendations to the Secretary of the Army as to matters arising from but not directly related to the issues of any case, such comments and recommendations shall be the subject of separate communication.

(ii) *Minority report.* In case of a disagreement between members of the Board a minority report may be submitted, either as to the findings, decision, or the recommendations or to all, including the reasons therefor.

(iii) *Records of proceedings.* When the Board has completed its proceedings, a record thereof shall be prepared. Such record shall indicate whether or not a quorum was present at the hearing and at the Board's deliberations. The record shall include the application for relief, a transcript of any testimony, affidavits, papers, and documents considered by the Board, briefs and written arguments filed in the case, the findings, decision and recommendations of the Board and all other papers, documents, and reports necessary to reflect a true and complete history of the proceedings. The record so prepared will be certified by the Chairman or his designee as being true and complete.

(iv) *Withdrawal.* The Board may permit an applicant to withdraw his application without prejudice at any time before its proceedings are forwarded to the Secretary of the Army.

(2) *Action by Secretary of the Army.* The record of proceedings of the Board will be forwarded to the Secretary of the Army who will direct such action in each case as he determines to be appropriate, which may include the return of the record to the Board for further consideration when deemed necessary.

(3) *Staff action.* (i) Upon final action by the Secretary of the Army the complete record in each case will be returned to the Board. The Board will transmit the decision of the Secretary of the Army to The Adjutant General for appropriate action.

(ii) Upon receipt of the record of proceedings after final action by the Secretary of the Army, the Board will communicate the decision to the applicant and counsel, if any.

(iii) When all necessary administrative action has been completed the applicant will be informed of such action by The Adjutant General.

(iv) Written notice specifying the action taken and the date thereof will be transmitted to the Chairman of the Board.

(v) The record of the decision of the Secretary of the Army will not be filed in the military records of the subject of the application where the effect of such action would be to nullify the relief granted.

(vi) The applicant shall not be entitled to copies of the record of proceedings, but such record shall be made available for his inspection except where, in the discretion of the Chairman, it is detrimental to the public interest.

(4) *Reconsideration.* After final adjudication further hearing before the Board will be granted only upon presentation by the applicant of newly discovered relevant evidence not previously considered by the Board and then only upon recommendation of the Board and approval by the Secretary of the Army.

(g) *Settlement of claims*—(1) *Authority.* (i) The Department of the Army is authorized to settle and pay claims for amounts paid as fines or forfeitures or for losses of pay (including retired or retirement pay), allowances, compensation, emoluments, or other monetary benefits as the case may be which are found to be due, under applicable provisions of law, on account of military service, and as the result of action heretofore or hereafter taken under section 207 of the Legislative Reorganization Act of 1946, as amended, except as provided in subdivision (ii) of this subparagraph.

(ii) The Department of the Army is not authorized to pay any claim heretofore compensated by Congress through enactment of a private law, or to pay any amount as compensation for any benefit to which the claimant might subsequently become entitled under the laws and regulations administered by the Administrator of Veterans' Affairs.

(2) *Application for settlement.* (i) Settlement and payment of claims shall be made only upon a claim of the person whose record has been corrected or of his legal representative, his heirs at law, or his beneficiaries. Such claim for settlement and payment may be filed as a separate part of the application for correction of the record.

(ii) In case the person whose record has been corrected is deceased, and where no demand is presented by a duly appointed legal representative of the estate, payments otherwise due shall be made to the decedent's widow, widower, legal heirs, or beneficiaries, in the order of precedence or succession as may be prescribed by the applicable provisions of law relating to the kind of payment involved and when not otherwise so provided, in the order of precedence as set forth in the act of February 25, 1946 (60 Stat. 30; 10 U. S. C. 868), or as may be prescribed by the applicable provisions of law relating to the kind of payment involved.

(iii) Upon request, the applicant or applicants shall be required to furnish requisite information to determine their status as proper parties to the claim for purposes of payment under applicable provisions of law.

(3) *Settlement.* (i) Settlement of claims shall be upon the basis of the decision and recommendations of the Board, as approved by the Secretary of the Army. Computation of the amounts due shall be made by the appropriate Finance Office. In no case will the amount found due exceed the amount which would otherwise have been paid or have become due under applicable laws had no error or injustice occurred. To the extent authorized by law and regulations, amounts found due may be reduced by the amount of any existing indebtedness to the Government arising from military service.

(ii) Prior to or at the time of payment, the person or persons to whom payments are to be made shall be advised by the appropriate Finance Officer as to the nature and amount of the various benefits represented by the total settlement, and shall be advised further that acceptance of such settlement shall constitute a complete release by the claimants involved of any claim against the United States on account of the correction of the record.

(4) *Report of settlement.* (i) In every case where payment is made, the amount of such payment and the names of the payee or payees, shall be reported to the Chairman of the Board.

(ii) The Chairman of the Board shall make a semiannual report to the Secretary of the Army of all claims paid during the period covered by the report, including a statement of the amount paid, the names of the payee or payees and a brief description of the claim in each case.

(h) *Miscellaneous*—(1) *Staff assistance.* (i) At the request of the Board, The Adjutant General will assemble the original or certified copies of all available military records pertinent to the relief requested. Such records and all supporting papers will be transmitted to the Board.

(ii) The Board is authorized to call upon the Office of the Secretary of the Army, and the Department of the Army General and Special Staffs for investigative and advisory services and upon any other Department of the Army agency for assistance within the specialized jurisdiction of that agency.

(2) *Expenses.* No expenses of any nature whatsoever voluntarily incurred by the applicant, his counsel, his witnesses, or by any other person in his behalf will be paid by the Government.

(3) *Changes in procedures.* The Board may initiate recommendations for such changes in procedures as established herein as may be considered necessary for the proper fuctioning of the Board. Such changes will be subject to the approval of the Secretary of the Army and of the Secretary of Defense.

[AR 15-185, Nov. 14, 1952] (Sec. 207, 60 Stat. 831, as amended; 5 U. S. C. 191a)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 52-12669; Filed, Nov. 28, 1952; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Manpower Policy 10]

Use of Domestic and Foreign Migratory Agricultural Workers

Preface. This policy has been recommended by the interagency Manpower Policy Committee and by the national Labor-Management Manpower Policy Committee of the Office of Defense Mobilization. It is issued for information and guidance to labor and management concerned with defense production; and assigns to Government agencies the responsibility for providing assistance and leadership in the fields of action required of them.

1. *Purpose.* Food and fiber production is a basic part of the defense production program. Increasing quantities are needed for continued maintenance of a strong domestic economy, a constantly increasing population, the armed forces, and for export to countries of the free world. Production at levels adequate to meet those requirements is essential to the national health, safety, and interest.

The purpose of this statement is to focus attention on the immediate policy and program actions which should be taken under existing legislation to help make available sufficient migratory workers required to meet agricultural production goals; to enlist on a local, State, and national basis the support and assistance of employers, workers, and public and private agencies in the development and execution of these programs; and to set forth the policies of the Federal Government and the responsibilities of Government agencies concerned with agricultural manpower programs. The scope of the paper does not include many long-range problems involving migratory farm workers, the solution of which will require additional study and action.

II. *Policy statement.* It is the policy of the Federal Government to take action through appropriate governmental agencies and to encourage the taking of actions by employers, workers, community groups, and appropriate local and State agencies which will aid in achieving the following objectives, limited in scope to existing legislation:

A. To meet, insofar as possible, seasonal farm labor requirements by the fullest possible employment and utilization of local labor.

B. Provide the greatest possible continuity of employment and income from productive employment for migratory workers and workers available from areas of underemployment and areas of seasonal unemployment to meet the labor requirements that cannot be met through full utilization of the local labor supply.

C. Encourage the use of agricultural workers from territorial possessions of the United States to the extent practical and necessary, in preference to bringing in supplementary workers from foreign sources.

D. Attract domestic workers by the improvement of employment and living conditions of seasonal agricultural workers and thus minimize the necessity for the employment of foreign workers.

E. Develop greater cooperation among employers, workers, and other private groups and appropriate public agencies in recruiting and making full use of seasonal agricultural workers.

F. When labor is not available from local and other domestic sources, bring in only the minimum number of supplementary foreign workers necessary to meet seasonal agricultural labor requirements for employment under conditions and in numbers which will not adversely affect wages and working conditions of domestic agricultural workers. Such foreign labor temporarily employed in the United States should be employed, as at present, with the consent of both their Government and ours.

III. *Recommendations.* Employers, workers, community groups, and public and private agencies have an important responsibility to assist in meeting these objectives in the following manner:

A. Assist in meeting seasonal agricultural labor requirements through full use of the public employment offices and other organizations. Employers should provide accurate information on production and minimum labor requirements as far in advance of the season as possible and continue to work with the public employment office by participating in recruitment and utilization programs. Workers should cooperate by registering their qualifications and indicating their availability for employment as early as possible in advance of the season.

B. Continue to take action to improve employment conditions and to provide the greatest possible continuity of employment and income from productive employment.

C. Continue to expand and improve reception, supervision, and on-the-job training of seasonal farm workers.

D. Continue to cooperate through the exchange of workers and equipment between employers and between communities.

E. Continue to increase production efficiency through improved farm practices such as improved seed, machinery, chemicals, management, and land use.

F. Continue to improve educational, housing, transportation, recreational and health facilities available for migratory and out-of-area workers.

G. Cooperate to insure that only foreign workers who have entered the United States legally are employed.

H. Cooperate to improve employer-worker relations on the farm.

I. Cooperate in seeing that proper standards of operation are observed by labor contractors.

J. Assist in attaining integration of migratory workers into the community and encourage their participation in the community life.

IV. *Assignment of responsibility.* In order that the desired objectives can be achieved in accordance with the above-stated policy, the following assignments of responsibility are made to the specified departments and agencies of the Government:

A. The Department of Labor shall:

1. Encourage and assist State employment security agencies to determine more accurately seasonal labor requirements through detailed analysis of all pertinent data.

2. Encourage and assist State employment security agencies to determine more accurately seasonal domestic labor supplies through extensive information and recruitment programs.

3. Encourage and assist agricultural employers to specify minimum numbers and job qualifications of workers needed.

4. Encourage State employment security agencies to provide migrant workers with adequate information concerning living and working conditions at the time of recruitment.

5. Improve and expand information on labor market demand and supply for both workers and employers.

6. Expand the use of effective methods for recruiting workers not normally in the agricultural labor market such as day-haul programs, exchange of workers, and through special arrangements, employment of youth, part-time workers, and others.

7. Encourage expansion of recruitment programs for workers from underemployed areas to make possible longer and more continuous employment.

8. Continue to cooperate with the Department of Agriculture in studies of under-employment and seasonal unemployment to provide more factual data for the purpose of directing available workers to areas of labor demand.

9. Exercise leadership in cooperation with the Department of State under existing legislative authority in making arrangements for obtaining the minimum number of foreign workers necessary to meet shortages in the domestic agricultural labor supply in accordance with standards provided by law and international agreements.

10. Continue to provide information on prevailing wage determination in connection with Public Law 78, 82d Congress, certification of need for foreign workers by area, numbers of foreign workers employed, and terms and working conditions provided by law and international agreements.

11. Continue to improve procedures under Public Law 78, 82d Congress, for determining need for Mexican National agricultural workers and for insuring that the employment of Mexican National agricultural workers does not adversely affect the wages and working conditions of domestic agricultural workers similarly employed.

12. Insure that Mexican National agricultural workers are not employed below the appropriate prevailing wage rate through determination of pre-season and prevailing agricultural wage rates as required under Public Law 78 by collecting and analyzing wage information and by other appropriate methods such as public hearings.

13. Develop, in cooperation with Labor-Management Manpower Committees, a program for more effective consultation with labor, management, and other interested groups at the local, state, regional, and national level on

problems of recruitment and utilization of agricultural labor.

14. Promote public understanding of and compliance with the child-labor provisions of the Fair Labor Standards Act with respect to agricultural employment.

15. Cooperate with appropriate state and federal agencies, and other organizations with respect to the provision for necessary educational opportunity for migrant farm workers and their children.

16. Develop and make available information concerning the problems involved in the inter-state transportation of agricultural workers. Cooperate with appropriate state agencies in developing suggested minimum requirements with respect to provision of adequate and safe transportation of agricultural workers.

17. Develop and make available information concerning the problems arising out of the methods of operation of labor contractors in the recruitment and employment of agricultural workers. Cooperate with appropriate State agencies in developing suggested minimum requirements for labor contractors.

18. Encourage employers, workers, private industries, local and State agencies in the development of suitable rest stops which will provide migrant agricultural workers with adequate stop-over and over-night accommodations.

19. Cooperate with State committees on migratory labor and other State and local interested groups in the development of State and community programs to improve conditions for migrants.

20. Collect information on State experience in adapting and applying labor laws to agricultural workers and make available such information.

B. *The Department of Agriculture shall:*

1. Continue to provide information on production plans, programs and progress, on current and prospective levels of agricultural employment, on trends in farm population and potential labor supply and on labor utilization and farm wages to manpower agencies for use in the effective guidance and recruitment of migratory workers.

2. Encourage and provide assistance to attain maximum productivity of the seasonal farm work force through better use of land, improved cultural and animal husbandry practices, fuller use of chemicals and fertilizers, use of improved seed, expanded use of labor-saving machinery and methods and provision of credit for production and housing.

3. Render leadership and assistance to employers, employer groups and agencies to improve working and living conditions for migrant workers including management, supervision, work methods, housing and continuity of employment, and in the planning and conducting of on-the-job training programs for seasonal workers.

4. Conduct in cooperation with the Department of Labor studies of underemployment, and seasonal unemployment to provide more factual information on living and working conditions for use in guiding workers to areas of labor demand.

C. *The Federal Security Agency shall:*

1. Assist appropriate State and private agencies to understand the problems of migratory farm workers with respect to their need for educational, health, recreational and emergency services.

D. *The Department of Justice shall:*

1. After consultation with and concurrence by the Department of State concerning the sources from which foreign workers shall be admitted for temporary employment in this country, grant permission to and assist employers for whom certification has been made by the Secretary of Labor and who are otherwise eligible under immigration laws, to bring in foreign workers for employment in agriculture and insure their departure on completion of their term of legal stay in the United States.

2. Continue to apprehend and deport illegal entrants. Report such action in respect to agricultural workers to the Secretary of Labor.

E. *The Housing and Home Finance Agency shall:*

1. Continue to make housing under its control available to migratory agricultural workers to the maximum extent permitted by present law.

V. This policy shall take effect on November 29, 1952.

OFFICE OF DEFENSE MOBILIZATION,
HENRY H. FOWLER,
Director.

[F. R. Doc. 52-12749; Filed, Nov. 26, 1952; 3:53 p. m.]

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 7, Supplementary Regulation 2, Interpretation 1]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

SR 2—ALTERNATIVE METHODS FOR PREPARING LIST DATE PRICING CHART AND PRICING

INT. 1—ELECTION OF METHODS OF PREPARING PRICE CHARTS (SECTION 2)

Retail sellers subject to CPR 7 initially may file charts prepared by the method prescribed in CPR 7 or by one of the alternative methods prescribed in CPR 7, SR 2.

Some retailers have asked if, subsequent to May 30, 1951, which is the deadline for filing price charts under CPR 7, charts filed on or before that date and prepared as provided in CPR 7 may be amended by substituting therefor charts prepared under the alternative methods prescribed in CPR 7, SR 2.

A seller was given the option on February 27, 1951 of preparing and filing price charts under SR 2 to CPR 7 rather than under CPR 7. Under CPR 7, section 22, amendments to price charts prepared under CPR 7 may be made subsequent to May 30, 1951 only if permitted by provisions added to CPR 7 after that date. Since no provision has been added to CPR 7 which permits charts prepared under CPR 7, SR 2 to be substituted for the charts prepared and filed under CPR 7, a retailer who on or before May 30, 1951 elected to file a chart prepared by the method provided in CPR 7 may not thereafter revoke such an election by amending his chart.

(Sec. 704, Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

NOVEMBER 28, 1952.

[F. R. Doc. 52-12775; Filed, Nov. 28, 1952; 11:46 a. m.]

[Ceiling Price Regulation 7, Interpretation 6]

CPR 7—RETAIL CEILING PRICES FOR CERTAIN CONSUMER GOODS

INT. 6—ELECTION OF METHODS OF PREPARING PRICE CHARTS (SECTIONS 11 (a) AND 22 (2))

Retail sellers subject to CPR 7 initially may file charts prepared by the method prescribed in CPR 7 or by one of the alternative methods prescribed in CPR 7, SR 2.

Some retailers have asked if, subsequent to May 30, 1951, which is the deadline for filing price charts under CPR 7, charts filed on or before that date and prepared as provided in CPR 7 may be amended by substituting therefor charts prepared under the alternative methods prescribed in CPR 7, SR 2.

A seller was given the option on February 27, 1951, of preparing and filing price charts under SR 2 to CPR 7 rather than under CPR 7. Under CPR 7, section 22, amendments to price charts prepared under CPR 7 may be made subsequent to May 30, 1951 only if permitted by provisions added to CPR 7 after that date. Since no provision has been added to CPR 7 which permits charts prepared under CPR 7, SR 2 to be substituted for the charts prepared and filed under CPR 7, a retailer who on or before May 30, 1951 elected to file a chart prepared by the method provided in CPR 7 may not thereafter revoke such an election by amending his chart.

(Sec. 704, Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

NOVEMBER 28, 1952.

[F. R. Doc. 52-12776; Filed, Nov. 28, 1952; 11:47 a. m.]

[Ceiling Price Regulation 34, Amdt. 12 to Supplementary Regulation 3]

CPR 34—SERVICES

SR 3—APPROVAL OF CERTAIN AUTOMOTIVE AND FARM TRACTOR REPAIR SERVICE FLAT RATE MANUALS

APPROVAL OF ADDITIONAL FLAT RATE MANUALS AND LABOR SCHEDULES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 12 to

Supplementary Regulation 3 (16 F. R. 8828) to Ceiling Price Regulation 34, is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment adds various flat rate manuals and labor schedules and supplements thereof to the list of approved flat rate manuals and labor schedules in section 2 of Supplementary Regulation 3 to Ceiling Price Regulation 34.

The Statement of Considerations which accompanied Supplementary Regulation 3 to Ceiling Price Regulation 34, and Amendment 1 to that regulation are equally applicable to this amendment and are incorporated herein by this reference.

The character of the approval granted by this amendment made it impracticable and unnecessary to consult formally with representatives of the industry and trade associations although in each instance representatives of the publishers of the manuals were consulted and consideration was given to their recommendations. In the judgment of the Director of Price Stabilization the provisions of this amendment are generally fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Supplementary Regulation 3 to Ceiling Price Regulation 34 is amended in the following respects:

1. Section 2 is amended by adding after paragraph (uu), paragraph (vv) and (ww) as follows:

(vv) Lincoln-Mercury 1953 Supplement to 1952 suggested Labor Time Schedule.

(ww) Willys Flat Rate Manual 1949–52.

2. Appendices VV and WW are added after Appendix UU as follows:

APPENDIX VV

This is the Notice for the Lincoln-Mercury 1953 Supplement.

NOTICE

You are permitted by OPS to use this Supplement to arrive at your ceiling price for a given job:

If—

(1) You use the Labor Conversion Table at the front of the 1952 Manual to compute the ceiling price for each job by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950, to January 25, 1951, inclusive; and

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up, all Blank Models, $____, Relining brakes on 1951 Blank Cars, $____); and

(3) Where you did not use a previous edition of this Manual for the job during the base period, the supplementary statement which you file shows that such job is included among those jobs for which you will hereafter determine your ceiling price by the use of this Manual. (You must file with your District OPS Office in accordance with section 18 of Ceiling Price Regulation 34 a statement of your intention to use all or any part of this Manual for determining your ceiling price of any of your jobs for which you did not use an earlier edition of this Manual during the base period, December 19, 1950, to January 25, 1951, inclusive.)

(4) The notice which you post in your place of business, within ten days after you begin to use this Manual, states that such job is included among the jobs for which you will hereafter determine your ceiling price by the use of this Manual.

Important. In case you are in doubt about your ceiling prices, consult your OPS District Office.

This notice must be attached to your Manual.

APPENDIX WW

This is the Notice for the Willys Flat Rate Manual, 1949–52.

NOTICE

You are permitted by OPS to use this Manual to arrive at your ceiling price for a given job:

If—

(1) You use the Labor Conversion Table at the back of the Manual to compute the ceiling price for each job by multiplying the time allowance of each operation by your customers' hourly rate, which you charged in the base period, December 19, 1950, to January 25, 1951, inclusive; and

(2) Your present ceiling price for that job, as determined under section 5 of Ceiling Price Regulation 34, is not a "fixed charge" which is lower than the price you determined by the use of this Manual (a fixed charge is a charge not computed on the basis of the hourly rate. Examples: Minor tune-up, all Blank Models, $____, Relining brakes on 1951 Blank Cars, $____); and

(3) Where you did not use a previous edition of this Manual for the job during the base period, the supplementary statement which you file shows that such job is included among those jobs for which you will hereafter determine your ceiling price by the use of this Manual. (You must file with your District OPS Office in accordance with section 18 of Ceiling Price Regulation 34 a statement of your intention to use all or any part of this Manual for determining your ceiling price of any of your jobs for which you did not use an earlier edition of this Manual during the base period, December 19, 1950, to January 25, 1951, inclusive.)

(4) The notice which you post in your place of business, within ten days after you begin to use this Manual, states that such job is included among the jobs for which you will hereafter determine your ceiling price by the use of this Manual.

Important: In case you are in doubt about your ceiling prices, consult your OPS District Office.

This notice must be attached to your Manual.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 12 to Supplementary Regulation 3 to Ceiling Price Regulation 34 shall be effective on December 3, 1952.

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

NOVEMBER 28, 1952.

[F. R. Doc. 52–12780; Filed, Nov. 28, 1952; 11:48 a. m.]

[Ceiling Price Regulation 34, Amdt. 2 to Supplementary Regulation 22]

CPR 34—SERVICES

SR 22—SERVICE CHARGES FOR BANKS

MODIFICATIONS OF APPROVAL REQUIREMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 2 to Supplementary Regulation 22 to Ceiling Price Regulation 34 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Supplementary Regulation 22 to Ceiling Price Regulation 34 permits certain changes in banking practices to be instituted prior to written approval from OPS in those cases where the applicant is not required to submit special financial data to OPS.

Previously, section 3 to Supplementary Regulation 22 of Ceiling Price Regulation 34, required OPS to approve, in writing, all applications thereunder, for permission to change from one method of computing earnings credit on depositors' checking accounts to another method. Information available to the OPS indicates that there is no significant difference in the amount of earnings credit under any of the methods described in section 3. Therefore, there is no requirement under that section that applications contain special financial data. Accordingly, since there is no financial data to be analyzed by OPS there is no need to continue the requirement that written authority must be given by OPS before the bank can change its method of computing earnings credit on depositors checking accounts.

Similarly, under section 8 (b) of Supplementary Regulation 22 to Ceiling Price Regulation 34, any bank that did not have a branch office during the base period is authorized to institute in new branch offices, the schedule of ceiling prices at the principal bank for the same service to the same class of purchaser. This section is available to any bank that did not have branch offices during the base period and the application is in effect merely a reporting of ceiling prices. Accordingly, section 8 (c) is amended to permit new branch banks to institute the schedule of service charges of their principal bank ten days after filing an application therefor without written approval from OPS.

Provision is not made for such automatic approval of section 8 (a) since that section is made available only to banks that had branch offices with uniform prices during the base period. It is therefore necessary for this office to consider the application with respect to determining if all the branch banks did, in fact, have uniform prices during the base period.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Supplementary Regulation 22 to Ceiling Price Regulation 34, as amended, is amended in the following respects:

1. Section 3 is amended by striking out the last two sentences and inserting in lieu thereof the following: "You may not change your method of computing earnings credit on depositors' checking accounts under this section until your application therefor has been approved by OPS, but your application shall be considered approved 10 days after mailing the application or in the event any additional information is requested by OPS, ten days after mailing such additional information, unless within that time OPS notifies you that your application has been disapproved. Nothing in this section shall be construed to authorize any bank to lower the rate it allows to its depositors with respect to credit on depositors' checking account, and in your application you must certify that your bank will not lower its rate of credit on depositor's checking accounts."

2. Section 8 (c) is amended to read as follows:

(c) If you are applying for permission to establish ceiling prices for your services under paragraph (a) or (b) of this section your application must contain a list of the addresses of the principal bank and all branch offices together with a schedule of the ceiling prices for services in effect at the principal office on the date of your application and if you have ever been authorized to adjust your service charges by the Office of Price Stabilization, you must adequately identify the order under which you were authorized to make such adjustment. You may not supply the service for which you are requesting a ceiling price under paragraph (a) of this section until you are advised in writing of OPS approval, which will be given only where granting such approval is consistent with the purpose of the Defense Production Act of 1950, as amended. You may not supply the services for which you are requesting ceiling prices under paragraph (b) until your application therefor has been approved by OPS, but your application under section 8 (b) shall be considered approved 10 days after mailing the application or in the event any additional information is requested by OPS, ten days after mailing such additional information unless within that time OPS notifies you that your application has been disapproved.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to Supplementary Regulation 22 to Ceiling Price Regulation 34, as amended, shall become effective December 3, 1952.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

NOVEMBER 28, 1952.

[F. R. Doc. 52–12781; Filed, Nov. 28, 1952; 11:48 a. m.]

[Ceiling Price Regulation 54, Revision 1, Amdt. 1]

CPR 54—ALUMINUM SCRAP AND SECONDARY ALUMINUM INGOT

CEILING PRICE OF SECONDARY ALUMINUM INGOT

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Ceiling Price Regulation 54, Revision 1 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 54, Revision 1 changes the ceiling prices for secondary aluminum ingot from a delivered basis to a shipping point basis with an allowance for transportation charges.

The ceiling prices for secondary aluminum ingot under CPR 54 were set forth on a delivered basis. Most shipments of secondary aluminum ingot occur in large quantities that travel comparatively short distances. In such cases, the cost of transportation per pound of ingot is not large and in view of the margin between the ceiling prices for aluminum scrap and secondary aluminum ingot can be absorbed by the seller. In view of the past increases in transportation costs, the cost of transporting small quantities large distances often is 2 to 3 cents per pound and in these shipments sufficient margin does not exist for the seller to obtain a profit. This amendment maintains the same ceiling prices for secondary aluminum ingot as in the original regulation but sets forth these prices on a shipping point basis with an allowance for transportation costs up to 75 cents per 100 pounds, instead of on a delivered basis. If the cost of transporting the ingot to the buyer's receiving point is in excess of 75 cents per 100 pounds, the buyer may charge for the transportation costs incurred in excess of 75 cents per 100 pounds. This allowance is the amount which was used in determining the ceiling delivered prices set forth in this regulation as originally issued.

This amendment is not expected to have any appreciable effect on the prices of secondary aluminum ingot.

In formulating this amendment, the Director of Price Stabilization has consulted with industry representatives, including trade association representatives, to the extent practicable, and has given consideration to their recommendations.

AMENDATORY PROVISIONS

The first paragraph of section 6 (a) (1) of Ceiling Price Regulation 54, Revision 1, is amended to read as follows:

(1) The ceiling price for each kind of secondary aluminum ingot listed in Table F, when sold by any person other than the United States Government, is that applicable price set forth in that table. These prices include an allowance for the cost of transportation up to 75 cents per 100 pounds. If secondary aluminum ingot is transported from the point of shipment to the buyer's receiving point by a public (common or contract) carrier, the actual transportation costs in excess of 75 cents per 100 pounds may be charged to and paid by the buyer. If secondary aluminum ingot is transported from the point of shipment to the buyer's receiving point in a vehicle owned or controlled by the buyer, an allowance equal to the lowest published motor common carrier charge for transporting such ingot, up to 75 cents per 100 pounds, shall be made from the ceiling price listed in Table F. If secondary aluminum ingot is transported from the point of shipment to the buyer's receiving point in a vehicle owned or controlled by the seller, and if the lowest published motor common carrier charge exceeds 75 cents per 100 pounds, the seller may make a transportation charge equal to the amount by which such motor common carrier charge exceeds 75 cents per 100 pounds.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment to Ceiling Price Regulation 54, Revision 1, shall become effective December 3, 1952.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

NOVEMBER 28, 1952.

[F. R. Doc. 52–12785; Filed, Nov. 28, 1952; 11:49 a. m.]

[Ceiling Price Regulation 67, Interpretation 1]

CPR 67—RESELLERS' CEILING PRICES FOR MACHINERY AND RELATED MANUFACTURED GOODS

INT. 1—CARRY-OVER PRICES BY DISTRIBUTORS (SECTIONS 14 (A) AND 17 (Q))

Certain manufacturers under Ceiling Price Regulation 30, and certain distributors who are resellers under Ceiling Price Regulation 67, have "carry-over" or refinancing agreements with the dealers to whom they sell which permit the dealer to refinance if payment is not made by an agreed maturity date. These agreements usually provide that if a "carry-over," or refinancing after delivery to the dealer is necessary, the seller's price in effect at the time of the refinancing will be the price ultimately paid by the dealer. The question has been raised as to whether or not a dealer who purchases from such a seller and subsequently refinances may be charged the new ceiling price in effect at the time of the "carry-over" of refinancing if this new ceiling price exceeds the ceiling price in effect at the time of delivery.

Section 46 of Ceiling Price Regulation 30 prohibits the sale of any commodity subject to that regulation in excess of the ceiling price established thereunder. The term "sell" is defined to include delivery. To the same effect, only more explicitly with respect to the use of the term "delivery," CPR 67 in addition to defining the term "sell," to include delivery, provides (section 14 (a)) that "No person shall sell or deliver * * * at a price higher than the ceiling price established by this regulation." The General Ceiling Price Regulation which,

prior to CPRs 30 and 67, established ceiling prices for both the manufacturers and distributors, and which still cover those manufacturers who have elected not to use CPR 30, contains a similar definition of the term "sell," to include delivery. Accordingly, a "carry-over" or refinancing provision in any agreement between sellers under CPR 30 or CPR 67 and their dealers, permitting a subsequent revision of prices to an amount in excess of the ceiling price in effect at the time of the sale (which term, as indicated, includes delivery) to the dealer, is prohibited.

In addition, section 38 of CPR 30 provides that a commodity subject to the regulation may not be delivered at a price to be adjusted upward in accordance with any increase in a ceiling price after delivery. This serves explicitly to prohibit sellers under that regulation from engaging in the practice described.

(Sec. 704, Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

NOVEMBER 28, 1952.

[F. R. Doc. 52–12777; Filed, Nov. 28, 1952; 11:47 a. m.]

[Ceiling Price Regulation 98, Amdt. 7]

CPR 98—RESELLERS OF IRON AND STEEL PRODUCTS

STAINLESS STEEL STRIP

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to Ceiling Price Regulation 98 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation (CPR) 98 extends to stainless steel strip the pricing technique provided for stainless sheets sold by warehouse resellers.

Stainless strip was originally omitted from the coverage of CPR 98 because only a limited number of warehouses carry stainless strip as a stock item and because the tonnage handled by them is not substantial. As a result the resale of stainless steel strip has remained under the coverage of Supplementary Regulation (SR) 29 to the General Ceiling Price Regulation (GCPR).

The resulting different pricing system of stainless sheets and strip was not disturbing until recently because the application of SR 29 to the GCPR to stainless strip yielded ceiling prices substantially similar to those which would have resulted from the application of the pricing technique provided by CPR 98 for stainless sheets. However, this situation changed by the issuance of Amendments 3 and 6 to CPR 98. These amendments permit warehouse resellers to increase their ceiling prices after the suppliers increased their prices on the basis of a regulation issued by OPS, irrespective of the inventories which the warehouse resellers may have on hand. On the other hand, Amendments 11 and 13 to SR 29 to the GCPR permit comparable ceiling price increases only after the reseller's inventory purchased at the previous lower prices is exhausted. In view of the fact that stainless steel strip is closely related to stainless steel sheet and may be slit from sheets for many uses, the elimination of their different treatment price-wise is justified and necessary to re-establish the historical warehouse pricing practices.

So far as practicable, the Director has given due consideration to the national effort to achieve maximum production in furtherance of the objectives of the Defense Production Act of 1950, as amended, and to relevant factors of general applicability.

In formulating this amendment, the Director consulted with industry representatives, including trade association representatives, to the extent practicable and has given full consideration to their recommendations.

Every effort has been made to conform this amendment to existing business practices or means or aids to distribution. Insofar as any provisions of this regulation may operate to compel changes in the business practices, or means or aids to distribution, such provisions are found by the Director of Price Stabilization to be necessary to prevent circumvention or evasion of the regulation and to effectuate the purposes of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

Ceiling Price Regulation 98 is amended as follows:

1. Section 13 (a) is amended by modifying the first line in Table C from "stainless sheets" to read:

Stainless sheets and strip.

2. Section 13 (b) is amended by modifying its title from "stainless steel sheets, bars, angles, and plates" to read:

Stainless steel sheets and strip, bars, angles, and plates.

3. Appendix A is amended by modifying the 29th unnumbered item listed therein from "stainless sheets" to read:

Stainless sheets and strip.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective December 3, 1952.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

NOVEMBER 28, 1952.

[F. R. Doc. 52–12782; Filed, Nov. 28, 1952; 11:48 a. m.]

[Ceiling Price Regulation 110, Amdt. 3]

CPR 110—MANUFACTURERS OF COPPER WIRE MILL PRODUCTS

MISCELLANEOUS AMENDMENTS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment to Ceiling Price Regulation 110 is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment to Ceiling Price Regulation 110 makes several miscellaneous changes to remove ambiguities in the regulation and to provide a method of in line pricing for products which differ only slightly from other products which have been covered specifically in this regulation.

Ceiling Price Regulation 110 is intended to cover the sale of copper wire mill products by the manufacturer of the copper wire mill product involved. It is not intended that a person, even though he is a manufacturer of some copper wire mill products, who buys a copper wire mill product from its manufacturer and resells this product without performing any operations on it, have his sale price for the copper wire mill product covered by this regulation. Resellers of these products are covered by CPR 67. This amendment clarifies the coverage of this regulation to indicate clearly that the regulation covers sales of copper wire mill products by the manufacturer of the product and not by any person who happens to sell a copper wire mill product.

In establishing the ceiling price for special wiring harnesses and assemblies, this regulation requires the manufacturer to base the ceiling price on several factors. One of these factors is the ceiling price under the regulation for the wire used in the manufacture of these special wiring harnesses and assemblies. Since a manufacturer of copper wire mill products may have different ceiling prices for this wire depending on the class of purchaser to whom he sells, there may be doubt as to which of his ceiling prices for wire he should use. This amendment indicates that he must use the ceiling price for the sales of his wire to manufacturers rather than to any other class of purchaser in computing the ceiling price of special wiring harnesses and assemblies.

This regulation sets forth certain formulas and prices for listed copper wire mill products. Products that are not listed are priced on the basis of the individual manufacturer's selling price in effect on January 25, 1951. Some of these unlisted products differ only slightly from the listed products, and have historically been priced by applying a dollars and cents differential or formula to the price of the similar listed product. This amendment permits this historical practice to be continued by providing that those products that differ only in gauge, stranding construction, type or thickness of insulation, or covering from a listed product, and which were priced by applying a differential or formula to the listed product, may continue to be priced according to historical practice.

In the establishment of a ceiling price for unlisted products, this amendment makes a slight change with respect to copper wire mill products purchased from another manufacturer and used in the manufacture of another wire mill product. Whereas previously, the ceiling price of such a product depended on

the manufacturer's price during the base period December 19, 1950, to January 25, 1951, inclusive, this amendment permits a manufacturer to adjust this ceiling price, to reflect the increased cost under this regulation of a copper wire product used in the manufacture of his product over its cost during the base period.

In computing the ceiling price for rolling and drawing services, a price of 24½ cents per pound is used for copper. This price is intended to be 24½ cents per pound, Connecticut Valley basis with the customary differentials being used for the price of copper in other parts of the country. This amendment clarifies that intention by adding the words "Connecticut Valley basis"—after the price of 24½ cents per pound. A definition of the word manufacturer as used in this regulation is also added by this amendment to clarify the coverage of this regulation and to persons to whom it applies.

In the formulation of this amendment there has been consultation with industry representatives, including trade association representatives, to the extent practicable, and consideration has been given to their recommendations.

AMENDATORY PROVISIONS

Ceiling Price Regulation 110 is amended in the following respects:

1. Section 1 (c) is amended to read as follows:

(c) *Persons and transactions covered.* (1) This regulation applies to all sales, including export sales and sales for export, of copper wire mill products by the manufacturer, to sales or transfers of reels, spools, and other containers furnished in connection with such products by the manufacturer thereof, and to all sales of the services covered by this regulation by the manufacturer of copper wire mill products.

(2) This regulation also applies, insofar as his purchases are concerned, to any person who in the regular course of trade or business buys the products and services covered by this regulation from the manufacturer.

2. Section 2 (a) (5) is amended to read as follows:

(5) You must allow, in addition to class of purchaser discounts provided for in the price books, any other class of purchaser discounts which you had in effect on January 25, 1951. You may charge, in addition to adders provided for in the price books, any adders which you had in effect on January 25, 1951.

3. Section 2 (f) (1) is amended to read as follows:

(1) Ascertain the ceiling price established by this regulation for sales to manufacturers, of wire if any, manufactured by you and used in the product you are pricing.

4. Section 2 (g) (1) is amended to read as follows:

(1) Ascertain the ceiling price established by this regulation for sales to manufacturers, of wire if any, manufactured by you and used in the product you are pricing.

5. Section 3 (b) is amended to read as follows:

(b) *Ceiling prices.* (1) If the product you are pricing differs from a product covered in section 2 in gauge, stranding, construction, type or thickness of insulation, or covering, and if you had in effect on January 25, 1951, a dollars and cents differential or formula which you applied to the price of such product to compute the price of the product you are pricing, then you may apply the same differential or formula to such product covered by section 2, to compute the ceiling price of the product you are pricing.

(2) If you cannot determine your ceiling price in accordance with subparagraph (1), you must determine your ceiling price by selecting the first of the following prices which applies to the product you are pricing.

(i) The highest price for the sale of the same product to a purchaser of the same class set forth in a published price list which you had in effect during the base period;

(ii) The highest price you charged for a delivery of the same products to a purchaser of the same class during the base period;

(iii) The highest price at which you offered in writing to deliver the product to a purchaser of the same class during the base period.

(3) If the ceiling price of the product you are pricing is determined under subparagraph (2) above, and you use a copper wire mill product purchased from another manufacturer in the manufacture of your finished product, and if the ceiling price of the purchased wire mill product under this regulation is in excess of your cost of this purchased product from your regular supplier as of January 25, 1951, you may increase the ceiling price of the product you are pricing as determined under subparagraph (2) above by adding the actual dollar and cents increased cost of the product which you are purchasing over its cost from your regular supplier on January 25, 1951 in proportion to the amount actually used in your finished product. "Your regular supplier" is the person from whom you purchased the largest quantity of the product in question during the year 1950.

6. Section 5 (a) (2) (i) is amended to read as follows:

(i) For copper bars, a price of 24½ cents per pound, Connecticut Valley basis.

7. Section 16 (p) is added to read as follows:

(p) "Manufacturer" means any person engaged in one or more operations in the fabrication, processing or assembling of any product covered by this regulation.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This amendment is effective December 3, 1952.

EDWARD F. PHELPS, JR.,
Acting Director of Price Stabilization.

NOVEMBER 28, 1952.

[F. R. Doc. 52-12783; Filed, Nov. 28, 1952; 11:49 a. m.]

[Ceiling Price Regulation 160, Amdt. 1]

CPR 160—CEILING PRICES FOR USED STEEL DRUMS SOLD IN ALASKA AND FOR THE SERVICE OF RECONDITIONING

EXEMPTION OF CERTAIN USED STEEL DRUMS

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this Amendment 1 to Ceiling Price Regulation 160 is hereby issued.

STATEMENT OF CONSIDERATIONS

Ceiling Price Regulation 160 established dollar and cent ceiling prices at all levels of distribution for certain used steel drums sold in the Territory of Alaska. Although the Alaskan regulation was patterned after Ceiling Price Regulation 36, the mainland regulation, certain exemptions for ICC–5 and ICC–5B drums were made in that regulation which were not incorporated into CPR 160. It has been determined that the inclusion of these types of drums in the coverage of CPR 160 has created certain inequities and distorted the customary price pattern.

This amendment corrects these inequities by revising sections 1 and 9 of CPR 160 to exclude ICC–5 and ICC–5B drums from the coverage of that regulation. The ceiling prices for these drums will be the ceiling prices established under the General Ceiling Price Regulation.

ICC–5 and ICC–5B type drums do not generally enter commercial trade channels, but are used by oil companies in their own transportation service or for certain deliveries of products on a returnable barrel basis. They are also used extensively by the military.

The initial cost of these drums at Richmond, California, before the recent steel increases was $9.95 per drum for ICC–5 galvanized and $7.10 per drum for ICC–5 ungalvanized and painted, as compared with $5.12 for other types. Industry should, therefore, receive a higher price for these types of drums than that provided in CPR 160.

In the formulation of this amendment, consultation with industry representatives, including trade association representatives, was impracticable.

In the judgment of the Director of Price Stabilization, the revisions provided in this amendment are fair and equitable and are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended.

AMENDATORY PROVISIONS

1. Section 1 of Ceiling Price Regulation 160 is amended to read as follows:

SECTION 1. *What this regulation does.* This regulation establishes ceiling prices at all levels of distribution for (a) empty raw and reconditioned used steel drums, and (b) the service of reconditioning raw steel drums covered by this regulation. The term "drum" when used in this regulation means any single-walled cylindrical or bilged steel shipping package, liquid tight, having a welded side seam, with a capacity of 40 to 58 gallons inclusive, constructed of steel sheets of 16–20 U. S. Standard gauge, inclusive, except 55-gallon drums fabricated of 16 gauge steel, numbered as ICC–5 or

ICC–5B drums. This regulation supersedes Ceiling Price Regulation 9 and the General Ceiling Price Regulation for all such sales.

2. Paragraph (b) of Section 9 of Ceiling Price Regulation 160 is amended to read as follows:

(b) "Drum" as used in this regulation is defined in section 1.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective date. This Amendment 1 to Ceiling Price Regulation 160 is effective November 28, 1952.

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

NOVEMBER 28, 1952.

[F. R. Doc. 52–12779; Filed, Nov. 28, 1952; 11:47 a. m.]

[General Ceiling Price Regulation, Amdt. 5 to Supplementary Regulation 95, Revision 1]

GCPR, SR 95—CEILING PRICES FOR PROCESSORS AND DISTRIBUTORS OF FLAXSEED FEED PRODUCTS

REVISION OF CEILING PRICES

Pursuant to the Defense Production Act of 1950, as amended, Executive Order 10161, and Economic Stabilization Agency General Order No. 2, this amendment to Supplementary Regulation 95, Revision 1 to the General Ceiling Price Regulation is hereby issued.

STATEMENT OF CONSIDERATIONS

This amendment increases processors' ceiling prices of linseed meal and other flaxseed feed products at all producing points by $4.00 a ton. Under Supplementary Regulation (SR) 95, Revision 1, to the General Ceiling Price Regulation (GCPR) a ceiling price of $78.00 a ton, bulk, was established for linseed meal produced at Minneapolis, the principal producing center. Higher ceiling prices, reflecting normal differentials, were provided for other producing points. This amendment raises the ceiling price of linseed meal produced at Minneapolis to $82.00 a ton, bulk. Present differentials provided for other points of production are maintained.

This upward adjustment in ceiling prices of flaxseed feed products is the result of a reappraisal of price relationships of linseed meal to competing feeds, changes in market conditions, and a study of new data which have become available since the time that the $78.00 ceiling was established. The Director has kept under continuing study the various factors which affect the demand for and the price of linseed meal and other flaxseed feed products. Account has been taken of the prospective supply of linseed meal in the current season relative to supplies of other feeds. As new and more complete information as to the size of this year's crops have become available, it has been possible to develop more reliable estimates of the relative supply position of linseed meal in the general feed picture. Consideration has also been given to the demand pattern for linseed meal compared to that of other feeds. Because of special properties which make linseed meal desirable for winter feeding, there is a normal tendency for demand to strengthen during the winter months. This is reflected in linseed meal prices, which normally are at a higher level during these months. The Director has, in addition, examined current processing margins as affected by changes in raw material costs and returns from sales of end products. Moreover, normal price relationships of linseed meal to competing feeds have been evaluated in the light of additional data now available on crop production and prospective feed supplies.

In the formulation of this amendment, there has been consultation with industry representatives, to the extent practicable, and consideration has been given to their recommendations. Special circumstances have rendered consultation with trade association representatives impracticable.

In the judgment of the Director of Price Stabilization, the provisions of this amendment are generally fair and equitable, are necessary to effectuate the purposes of Title IV of the Defense Production Act of 1950, as amended, and comply with all the applicable standards of that Act.

AMENDATORY PROVISIONS

Table I of Supplementary Regulation 95, Revision 1 to the General Ceiling Price Regulation is amended to read as follows:

TABLE I

Base points	Oil meal or cake (standard protein content 32 percent)	Sized linseed oil cake, linseed pellets or cubes (standard protein content 32 percent)	Linseed feed (standard protein content 30 percent)	Linseed feed pellets or cubes (standard protein content 30 percent)	Flaxseed screenings oil feed (standard protein content 22 percent)	Flaxseed screenings oil feed pellets or cubes (standard protein content 22 percent)
Minneapolis and Red Wing, Minn	$82.00	$84.25	$77.00	$79.25	$64.00	$66.25
Chicago, Ill	86.50	88.75	81.50	83.75	68.50	70.75
Cleveland, Ohio	89.50	91.75	84.50	86.75	71.50	73.75
Emporia and Fredonia, Kans	89.50	91.75	84.50	86.75	71.50	73.75
Buffalo, N. Y	89.50	91.75	84.50	86.75	71.50	73.75
New York Harbor area and Philadelphia	91.50	93.75	86.50	88.75	73.50	75.75
Texas mill points	90.50	92.75	85.50	87.75	72.50	74.75
Los Angeles and Fresno, Calif	[1] 84.00	[1] 86.25	79.00	81.25	66.00	68.25
San Francisco, Calif	[1] 87.00	[1] 89.25	82.00	84.25	69.00	71.25
Conrad and Great Falls, Mont	95.00	97.25	90.00	92.25	77.00	79.25

[1] Standard protein content 28 percent up to 34 percent. For 34 percent or greater protein content, add $2.50 per ton.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Effective data. This amendment is effective November 26, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 26, 1952.

[F. R. Doc. 52–12745; Filed, Nov. 26, 1952; 3:06 p. m.]

[General Ceiling Price Regulation, Supplementary Regulation 100, Revision 1, Interpretation 1, Steel Special Order 1, Interpretation 1]

GCPR, SR 100—ADJUSTMENTS FOR IRON AND STEEL PRODUCTS

STEEL S. O. 1—ADJUSTABLE PRICING ORDER FOR STEEL MILL PRODUCTS

INCREASES IN CEILING PRICES FOR STEEL MILL PRODUCTS DELIVERED AFTER THE STEEL STRIKE, BUT PURCHASED, FABRICATED AND READY FOR DELIVERY PRIOR TO THE STRIKE

The question has been asked whether a steel mill may charge the price increases permitted under Supplementary Regulation 100, Revision 1, to the General Ceiling Price Regulation, for steel mill products which were purchased, fabricated and ready for delivery prior to the commencement of the steel strike (June 2, 1952) and not delivered until after July 26, 1952, the date when the steel strike was terminated.

Steel Special Order 1 was issued on July 30, 1952 and provides, in part: "On and after July 26, 1952 all steel mill producers subject to this order are authorized to deliver their steel mill products which are subject to this order at prices to be adjusted upwards in accordance with such future order or orders which the Director of Price Stabilization may be required to issue by reason of [an] * * * official and mandatory directive of the Acting Director of the Office of Defense Mobilization."

On August 19, 1952 Supplementary Regulation 100, Revision 1, to the General Ceiling Price Regulation was issued. This supplementary regulation set forth the specific amounts by which ceiling prices of steel mill products could be increased, as provided in Steel Special Order 1.

Steel Special Order 1 and SR 100, Revision 1, to GCPR permit an increase in ceiling prices of all steel mill products covered by them and delivered on or after July 26, 1952, even though such products may have been fabricated and ready for delivery prior to the steel strike. The criterion by which it is determined whether such products are subject to the permitted ceiling price increases is that the delivery of the product occurred on or after July 26, 1952. The date of delivery, rather than the date of completion of fabrication of the product or date when it was ready for delivery, was made the criterion in order to expedite the flow of steel products which might otherwise have been held up pend-

ing issuance of the regulation granting the increased prices.

No opinion is expressed as to whether or not a particular contract with a steel mill supplier for the sale of steel mill products permits the supplier to increase his prices under the contract to a purchaser with respect to the material in question.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

NOVEMBER 28, 1952.

[F. R. Doc. 52-12774; Filed, Nov. 28, 1952; 11:46 a. m.]

[General Ceiling Price Regulation, Supplementary Regulation 100, Revision 1, Interpretation 2]

GCPR, SR 100—ADJUSTMENTS FOR IRON AND STEEL PRODUCTS

INT. 2—APPLYING ADJUSTMENTS PERMITTED UNDER GCPR, SR 100, REV. 1 (SECTIONS 7 AND 8)

The Office of Price Stabilization has been asked whether steel mill producers of stainless steel products may apply the increase permitted under Supplementary Regulation 100, Revision 1, to the General Ceiling Price Regulation, to the base price, standard quantity extras and boxing, packaging, and packing extras.

Section 7 of SR 100, Rev. 1, to the GCPR provides as follows:

"If you produce any stainless steel mill product, your ceiling price for this product is your ceiling price established by the General Ceiling Price Regulation or a supplementary regulation to the General Ceiling Price Regulation issued on or before April 24, 1952, or an individual letter order issued prior to this regulation plus an amount to be calculated by multiplying your ceiling base price plus extras and deductions established by the General Ceiling Price Regulation or a supplementary regulation to the General Ceiling Price Regulation issued on or before April 24, 1952, or an individual letter order issued prior to this regulation by 4.7 percent."

The term "extras and deductions" is defined in section 8 as meaning additions to or deductions from the base price to make adjustments for variations in the products, such as variations in size or other physical characteristics, chemical analysis, processing, quality or quantity; it does not include any outgoing freight costs or other delivery charges.

In light of the foregoing ceiling price adjustment procedure, the increase for stainless steel products permitted under SR 100, Rev. 1, to the GCPR, should be applied only to the base price, plus the standard quantity extras; that is before boxing, packaging and packing extras are applied, as variations in the latter extras are not variations in the product such as indicated above.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

HERBERT N. MALETZ,
Chief Counsel,
Office of Price Stabilization.

NOVEMBER 28, 1952.

[F. R. Doc. 52-12778; Filed. Nov. 28, 1952; 11:47 a. m.]

[General Overriding Regulation 35, Supplementary Regulation 1, Corr.]

GOR 35—PASS THROUGH FOR STEEL, PIG IRON, COPPER AND ALUMINUM COST INCREASES

ADJUSTMENTS FOR BOLTS, NUTS, SCREWS AND RIVETS; CORRECTION

General Overriding Regulation 35, Supplementary Regulation 1, Adjustments for Bolts, Nuts, Screws and Rivets, issued November 7, 1952, contains a misprint in section 2. Accordingly, this section is hereby corrected by striking out the word "this" and adding the numeral "2" after the word "section" in the seventh line of the paragraph preceding the colon, so that this paragraph shall read as follows

SEC. 2. *Optional industry-wide increases.* If you are a producer of bolts, nuts, screws or rivets, instead of using the increases provided by General Overriding Regulation 35, you may, at your option, add to your ceiling price as established by paragraphs (b), (c) and (d) of section 2 or pursuant to section 5 of Ceiling Price Regulation 118, an amount not to exceed the following:

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

EDWARD F. PHELPS, Jr.,
Acting Director of Price Stabilization.

NOVEMBER 28, 1952.

[F. R. Doc. 52-12784; Filed, Nov. 28, 1952; 11:49 a. m.]

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 93 to Schedule A]

[Rent Regulation 2, Amdt. 91 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

COLORADO AND WYOMING

Effective November 28, 1952, Rent Regulation 1 and Rent Regulation 2 are amended so that the items indicated below of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 25th day of November 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Colorado				
(43) Denver	B	Adams County, except that portion of the city of Aurora located therein and all unincorporated localities; Arapahoe County, except that portion of the city of Aurora located therein, the city of Englewood, the town of Littleton and all unincorporated localities; and Jefferson County, except the city of Golden, the town of Morrison and all unincorporated localities.	Mar. 1, 1942	Aug. 1, 1942
Wyoming				
(368) Casper	A	Natrona County, except the city of Casper and all unincorporated localities.	Aug. 1, 1952	Nov. 6, 1952

These amendments decontrol the following based on resolutions submitted under section 204 (j) (3) of the act:

The City of Denver in Denver County, Colorado, a portion of the Denver Defense-Rental Area and all unincorporated localities in the area;

The City of Casper in Natrona County, Wyoming, a portion of the Casper Defense-Rental Area, and all unincorporated localities in the area.

The City of Denver is the major portion of the Denver Defense-Rental Area and the City of Casper is the major portion of the Casper Defense-Rental Area.

[F. R. Doc. 52-12667; Filed, Nov. 28, 1952; 8:48 a. m.]

[Rent Regulation 3, Amdt. 97 to Schedule A]

[Rent Regulation 4, Amdt. 40 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

WYOMING

Effective November 28, 1952, Rent Regulation 3 and Rent Regulation 4 are amended so that the items indicated below of Schedule A read as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 25th day of November 1952.

JAMES McI. HENDERSON,
Director of Rent Stabilization.

Name of defense-renta larea	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(368) Casper.....	Wyoming...	Natrona County, except the city of Casper and all uncorporated localities.	Aug. 1, 1952	Nov. 6, 1952

These amendments decontrol the following based on a resolution submitted under section 204 (j) (3) of the act:

The City of Casper in Natrona County, Wyoming, a portion of the Casper Defense-Rental Area, and all unincorporated localities in the area.

The City of Casper is the major portion of the Casper Defense-Rental Area.

[F. R. Doc. 52-12668; Filed, Nov. 28, 1952; 8:48 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

Part 4—Operation and Navigation of Panama Canal and Adjacent Waters

Pursuant to authority vested in the Governor by Rules 9 and 12 of Executive Order 4314 of September 25, 1925 (35 CFR 4.11, 4.19), a new § 4.20b is added, reading as follows:

§ 4.20b *Advance papers required by air mail.* (a) In addition to the information required by § 4.20 to be delivered to the boarding party by vessels arriving in the Canal Zone, the master of any vessel destined for entry into Canal Zone waters shall dispatch to the Port Captain of the port of entry, sufficiently in advance so that it shall arrive in the Canal Zone at least 48 hours prior to the vessel's arrival, the following information in duplicate:

(1) List of passengers transiting only: Panama Canal Form 20 may be used; if such form is not used, the name, sex, age, color, nationality, port of embarkation, and final destination of each passenger in this category shall be furnished.

(2) List of passengers to be discharged: Panama Canal Form 18 may be used; if such form is not used, the name, sex, age, color, nationality, port of embarkation, and final destination of each passenger in this category shall be furnished.

(3) Crew list: Panama Canal Form 1509-9 may be used; if such form is not used, the full name, capacity or duty, birthplace, age, and citizenship of each crew member shall be furnished.

(4) Cargo declaration: Panama Canal Form 4363-16 may be used; if such form is not used, the general description, number of tons, country or port of origin, and the country or port of destination of the cargo shall be furnished.

(5) Statement of the vessel's port of departure, destination, and ports of call, within the last three months, with corresponding actual or estimated dates.

(6) Expected time of arrival in Canal Zone waters.

(b) Notification of any corrections to or changes in the information furnished under paragraph (a) of this section shall be given promptly by air mail or by radio to the United States Navy Radio Station, Balboa, Canal Zone, addressed to the Port Captain, at the Canal Zone port of arrival.

(c) The master of a vessel which has entered Canal Zone waters and in connection with such entry has furnished the information required by this section within a period of one month prior to its estimated time of arrival, may, if desired, in lieu of the information required by paragraph (a) of this section, give notification only of changes from the prior information furnished.

(d) All information required to be furnished by this section shall be certified as correct by the master of the vessel.

(e) Failure to comply with the requirements of this section will subject the vessel to delay in transiting and/or clearance, but not to fine.

(Sec. 5, 37 Stat. 562, as amended; 2 C. Z. Code 9, 48 U. S. C. 1318)

Issued at Balboa Heights, Canal Zone, November 14, 1952.

J. S. Seybold,
Governor of the Canal Zone.

Confirmed: November 24, 1952.

W. M. Whitman,
Secretary,
Panama Canal Company.

[F. R. Doc. 52-12643; Filed, Nov. 28, 1952; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

Part 1—Practice and Procedure

Service of Documents and Proof of Service

In the matter of amendment of § 1.767 (b) of the Commission's rules and regulations.

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of November 1952;

The Commission having under consideration § 1.767 (b) of its rules and regulations which is concerned with the service of documents and proof of service in Commission proceedings, and which provides, in part, that proof of service of documents upon all parties upon whom service is required or permitted under the Commission's rules, except common carriers, shall be made by appropriate affidavit describing the service which shall be attached to the original and copies of which shall be attached to all copies filed with the Commission; and

It appearing, that the requirement that proof of service be made by affidavit has been found to be unnecessary and that such proof of service can and should be made by means of an appropriate certificate of service; and

It further appearing, that this proposed amendment is procedural in nature and therefore the notice and procedure provided for in section 4 of the Administrative Procedure Act are unnecessary and this order may be made effective immediately; and

It further appearing, that authority for the proposed amendment is contained in section 4 (i) and 303 (r) of the Communications Act of 1934, as amended;

It is ordered, Effective immediately, that the undesignated second paragraph of § 1.767 (b) be amended to read as follows:

Proof of service as provided in the foregoing shall be made by appropriate certificate describing the service which shall be signed and attached to the original and copies of which shall be attached to all copies filed with the Commission. If service has been made by a delivery of a copy to the attorney, written acknowledgment thereof on the original filed will be considered proof of service; in such case an appropriate notation of such acknowledgement shall be made on all copies filed.

(Sec. 4, 48 Stat. 1066, as amended, 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: November 24, 1952.

Federal Communications Commission,
[SEAL] T. J. Slowie,
Secretary.

[F. R. Doc. 52-12687; Filed, Nov. 28, 1952; 8:51 a. m.]

[Docket No. 10207]

Part 7—Stations on Land in the Maritime Service

Part 8—Stations on Shipboard in the Maritime Service

Frequencies Below 3000 Kc, for Business and Operational Purposes

In the matter of amendment of §§ 7.365 and 8.362 of the Commission's rules.

1. These proceedings were instituted by a notice of proposed rule making issued by the Commission on May 29, 1952. The rules amendments were proposed in order to make clear that medium frequencies (2738 kc and 2214 kc) in the 2 Mc band would not be available for use by limited coast stations or by ship stations for communications with limited coast stations where the communications desired were primarily over distances for which frequencies above 30 Mc would be suitable. The rationale underlying the proposal was to insure that, in the interest of efficient frequency utilization, frequencies be assigned for uses commensurate with their propagational characteristics.

2. The period during which comments on this proposal could be filed has expired. Numerous comments were received from licensees operating ship and coast stations in the Lake Dallas, Texas and Lake Texoma, Texas, area. These comments protested the proposed rules amendments on the assumption that they would, by reason of the proposed

amendments, be deprived of their currently authorized ship-shore use of the frequency 2738 kc. It is apparent that these comments are based on a misunderstanding of the proposed rule amendments.

3. The proposal dealt solely with the conditions under which frequencies in the 2 Mc band would be authorized for use by limited coast stations and by ship stations for communication with such coast stations. Limited coast stations are coast stations not open to public correspondence whose primary purpose is to serve the business and operational needs of ships. Ship and coast stations in the Lake Dallas and Lake Texoma areas presently authorized to use the frequency 2738 kc are classified under the Commission's rules as "public." These proposed rule amendments, therefore, have no application to such coast stations, nor to public ship stations when communicating with them.

4. The use by public coast stations and by ship stations of the frequency 2738 kc is governed by existing rules provisions which were adopted effective July 23, 1951, after proposed rule making which did not elicit any unfavorable comments. These existing rules provisions provide as follows:

* * * each public coast station licensed prior to July 23, 1951, for the use of telephony on the radio channel of which 2738 kc is the authorized carrier frequency may continue to be licensed for use of this radio-channel until expiration of the current term of the particular coast station license which provides such authorization. [Section 7.304 (a)]

* * * each ship station licensed prior to July 23, 1951, for communication, by telephony on the radio-channel of which 2738 kc is the authorized carrier frequency, with one or more public coast stations using telephony on this radio-channel, may continue to be licensed for such operation until expiration of the current term of the particular ship station license which provides such authorization. [Section 8.354 (c)]

The net effect of these existing rules provisions is to preclude public coast and ship stations from securing a renewal of their outstanding licenses so as to obtain continued authority to use the frequency 2738 kc. This effect of the existing rules provisions is, however, independent of the proposed rule amendments which are the subject of this proceeding. The matter of public coast and ship use of 2738 kc will be considered in a forthcoming separate proceeding in connection with the promulgation of a revised over-all plan of assignment for 2 Mc maritime mobile frequencies which is necessitated by certain international agreements to which the United States is a party.

5. Other comments received in this proceeding appeared to be directed primarily to the effect of the proposed rules upon a pending application of the Kansas City Southern Railway Company for authority to construct a limited cost station utilizing the frequency 2738 kc on a swing span bridge at Simmesport, Louisiana. Although the proposed rules would make clear that such communications on the frequency 2738 kc were precluded if they were primarily of a short range nature, communications of this type would be available if frequencies above 30 Mc were utilized. Having in mind the purpose of the proposed rules, it does not appear that the lack of VHF radio equipment on vessels should be considered to be a valid reason for authorizing new radio installations for short range communication on the frequency 2738 kc since it is apparent that such authorizations would encourage perpetuation of such usage.

6. In view of the foregoing it is ordered that, effective December 23, 1952, Parts 7 and 8 of the Commission's rules are amended as set forth below.

Adopted: November 19, 1952.

Released: November 24, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Amend § 7.365 by adding a new paragraph (c) to read as follows:

(c) In no event, however, shall the carrier frequencies 2738 kc and 2214 kc be available for assignment under this section in any instance in which the desired radio communication is primarily over distances for which frequencies above 30 Mc would be suitable.

2. Amend § 8.362 by redesignating paragraph (c) as paragraph (d) and adding a new paragraph (c) to read as follows:

(c) In no event, however, shall the carrier frequencies 2738 kc and 2214 kc be available for assignment under this section in any instance in which the desired radio communication is primarily over distances for which frequencies above 30 Mc would be suitable.

(Sec. 4, 48 Stat. 1066 as amended, 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

[F. R. Doc. 52-12686; Filed, Nov. 28, 1952; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 918]

[Docket No. AO 219-A1]

MILK IN MEMPHIS, TENN., MARKETING AREA

NOTICE OF POSTPONEMENT OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER REGULATING HANDLING

Notice is hereby given that the hearing on proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Memphis, Tennessee, marketing area, heretofore scheduled (17 F. R. 10474) to begin at 10:00 a. m., c. s. t., at the Federal Post Office Building, Front and Madison Streets, Memphis, Tennessee, on December 2, 1952, is postponed to a later date to be announced.

Dated: November 25, 1952, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 52-12692; Filed, Nov. 28, 1952; 8:53 a. m.]

[7 CFR Part 995]

[Docket No. AC-197-A1]

MILK IN LIMA, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Lima, Ohio, on June 23 and 24, 1952, pursuant to notice thereof which was issued on June 5, 1952 (17 F. R. 5195).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Assistant Administrator, Production and Marketing Administration, on October 17, 1952, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on October 24, 1952 (17 F. R. 9627).

The material issues of record were concerned with the following:

(1) Increasing the level of the Class I price premiums, providing a separate classification and lower price for cream utilized for fluid consumption, and substituting a cheese price formula for the butter-cheese formula as one of the three alternative methods of determining the basic formula price;

(2) Enlarging the marketing area to include all of Allen County, Ohio;

(3) Altering the definition of Class I milk to designate specifically the products covered instead of depending upon the requirements of local health authorities;

(4) Providing that other source milk be allocated on a pro rata basis with producer milk under certain conditions;

(5) Determining the producer butterfat differential on the basis of a fixed ratio of the market price for butter; and

(6) Increasing the rate of assessment for marketing services performed by the market administrator.

Findings and conclusions. The following findings and conclusions on the issues decided herein are hereby made upon the basis of the record of the hearing:

(1) *Pricing provisions.* The Class I price differentials should be increased by an annual average of 20 cents per hundredweight, cream should continue to be priced at the Class I level, and the butter-cheese formula currently included as one of the three alternative methods of determining the basic formula price should be deleted.

Producers proposed that the Class I price in Lima for any given month be set at the higher of two alternatives, one being the Class I price under the Cleveland order less the handler location differential from Lima to Cleveland and the second being the arithmetical average of the Class I prices provided by the Toledo and Dayton-Springfield orders. This proposal was based upon the close competition for milk supplies between Lima and the other three markets. Cleveland shippers are located throughout the same territory as those supplying Lima, and a Cleveland handler maintains a country station in Lima from which some milk is bottled and distributed locally and the greater portion is shipped bulk to Cleveland. The Lima milkshed overlaps with those of Toledo to the north and Dayton-Springfield to the south. Producers considered it necessary that Class I prices under the Lima order be at least equal to Cleveland order prices at all times, and to the average of the competing markets to the north or south whenever such average was higher than the net Cleveland price.

Handlers opposed this method of pricing and proposed instead that increases in the Class I differential averaging 9½ cents annually would be sufficient to restore order prices to competitive levels. They testified that the producer proposal would fail to result in blend prices equal to those in the competing markets even though Class I prices would be the same. Such differences would result from variations in the classification and utilization of milk in the various markets. They also felt that abnormal conditions in any one of the three competitive markets would affect Lima prices even though the abnormal condition might not extend to the Lima supply and distribution territories.

It is apparent that the need for raising the level of Class I prices in Lima originated in price actions taken in the competing markets in the fall of 1951. Effective October 1, 1951, the Dayton-Springfield order was amended to provide for a supply-demand adjustment and, of more immediate effect, for an emergency increase of 35 cents per hundred pounds through February, 1952 to help offset drought conditions. A supply-demand adjustment became effective in Toledo at the same time. It resulted in a 14-cent increase in October and 50-cent increases each month from November through February. These price increases in Toledo and Dayton-Springfield coincided with an aggressive policy on the part of Cleveland handlers to obtain increased supplies of milk for that market. They paid sufficient premiums in the Lima, Toledo, and Dayton-Springfield areas to meet the local competition. The Lima handlers also found it necessary to pay premiums in order to maintain their regular supplies of milk. Although there is considerable intermarket competition for milk, it was not shown at the hearing that marketing conditions in Lima are so subsidiary to those in one or a combination of the competing markets as to require identical pricing. The emergency period in Dayton-Springfield terminated at the end of February and the amount of the supply-demand adjustment has steadily declined as the supply-demand ratio has returned to more normal levels. The supply-demand ratio in Toledo improved somewhat during the summer months, with a corresponding decrease in the amount of the price adjustment.

In the circumstances, maintaining the Class I differential at 85 cents per hundredweight during April, May, and June and increasing them to $1.15 during February, March, and July and to $1.45 during August through January will best serve the needs of this market. During August the highest rate of differential will apply, instead of the intermediate rate, as at present, in order to maintain closer competitive relationships with Cleveland and to encourage producers to increase fall production. The proposed Class I differentials average $1.225 per hundredweight. This is only slightly above the differential for Grade A milk under the Dayton-Springfield order and somewhat below the differentials, inclusive of the supply-demand adjustments which prevailed in Toledo during the year beginning October 1, 1951.

The proposals by handlers and producers that skim milk and butterfat utilized in the form of fluid cream and specified cream products be classified separately and priced at a definite rate per hundredweight below the Class I price were abandoned by both parties at the hearing.

The present butter-cheese formula was designed some years ago to measure the value of milk for all manufacturing purposes rather than the value of milk used for making cheese. Also it reflects a much higher proportion of butter relative to cheese than is currently being produced, and the prices developed by the formula are usually considerably below the other basic formula prices. It should, therefore, be deleted.

A revised formula, designed to measure the value of milk for cheese-making was introduced at the hearing. However, it appears that there has not been opportunity for as full a consideration of the formula as the problem warrants and it should not be adopted at this time.

(2) *Marketing area.* No change should be made in the marketing area.

Handlers proposed that the present marketing area which includes only the city of Lima be extended to include all of Allen County. They testified that the city and county health authorities were to be combined for the purpose of milk inspection and regulation. The same requirements would be extended throughout the county as are presently in effect for Lima. It was their position that once such uniformity was achieved the pricing and other provisions of the order would be equally applicable throughout Allen County.

At the time of the hearing the proposed consolidation had not been effectuated. However, the hearing examiner specified that official notice could be taken of a Grade A ordinance for the county if as and when such ordinance was passed. The matter was not mentioned in any of the briefs submitted, so apparently no action had been taken by July 12. Since milk of less than Grade A standards can be sold in Allen County outside the city of Lima the pricing provisions of the order are not directly applicable and the proposal must be denied.

(3) *Classification.* The uses of milk which constitute Class I utilization should be specifically designated in the order.

At present certain uses are specifically designated, but the order also classifies as Class I any skim milk and butterfat disposed of as "any other milk product defined by the Lima, Ohio Board of Health".

Health Department requirements are an important consideration in the production and marketing, and hence in the classification and pricing, of milk but are not the sole determinant. The classification of milk should be established and altered only upon formal consideration of all aspects of the problem.

(4) *Allocation of milk.* The provisions relating to the allocation of milk from producers and from other sources to the classified utilization of milk by handlers should not be changed.

The order now provides that other source milk be allocated to Class I only after producer milk, exclusive of shrinkage, has been so allocated. One of the handlers proposed that a quantity of other source milk not to exceed 15 percent of the handler's total Class I utilization or the quantity received in bottled form and disposed of as Class I without further processing or packaging be allocated on a pro rata basis with producer milk. This proposal was designed to meet a problem arising from this handler's sales of milk in 2-quart paper containers. The proponent took the position that the proposed amendment was the most satisfactory means of dealing with the problem although certain alternative solutions were advanced.

It was brought out that the proposed allocation would constitute an incentive for all handlers in the market to displace producer milk with milk from other sources up to the specified limit. Since alternatives are available to the proponent without involving the possibility of such far-reaching changes in the market structure, this proposal should be denied.

(5) *Producer butterfat differential.* The producer butterfat differential should be computed by multiplying the price of 92-score butter at Chicago by 0.13.

The order now provides that the butterfat differential to producers be equal to the weighted average of the handler butterfat differentials on Class I and Class II sales of producer milk. This provision gives each individual producer a pro rata share of the butterfat differentials charged to handlers. However, it should be noted that the entire sales proceeds from the milk sold to handlers is pooled for redistribution for producers. Such redistribution should be related to

the supply and demand for the butterfat and skim milk components. In this regard the comparatively high butterfat differential to handlers on Class I milk and the large proportion of Class I sales in this market yield especially high producer butterfat differentials. There has been a steady increase in the average butterfat test of milk received from producers and it is clear that the high butterfat differentials must have contributed substantially to this trend. In addition, the average test of milk received from producers has exceeded the average test of the Class I sales of producer milk in every month since August 1950 and by increasing margins.

It is concluded, therefore, that there is no continued need for such high butterfat differentials to producers as have prevailed heretofore. At the price levels prevailing in 1951 the proposed differentials would have ranged from a low of 8.0 cents in the summer months to a high of 9.4 cents in December as compared with order differentials ranging from 9.4 cents in June to 11.4 cents in December.

(6) *Marketing services.* To defray the cost of performing marketing services for producers who are not members of a cooperative association determined to be performing such services, the rate of deduction from payments to producers should be increased to 6 cents per hundredweight.

The deduction for marketing services has remained at 4 cents per hundredweight since the inception of the order. This amount has proved insufficient to cover the costs of the necessary services and should be increased. Testimony based on experience under other Federal orders showed that comparatively low rates were charged for those services performed on a contract basis in Lima.

Reissuance of order, as amended. The entire order should be recodified in accordance with Revised Regulations of the Division of the Federal Register issued October 12, 1948.

General findings. (a) The proposed marketing agreement and the order as hereby proposed to be amended and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order as hereby proposed to be amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order as hereby proposed to be amended will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings. Within the period reserved for filing exceptions to the recommended decision, exceptions were submitted on behalf of interested parties. These exceptions have been fully considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

Determination of representative period. The month of September 1952 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of amendments to the order regulating the handling of milk in the Lima, Ohio, marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as hereby amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Lima, Ohio, Marketing Area," and "Order Regulating the Handling of Milk in the Lima, Ohio, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 25th day of November 1952.

CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Regulating the Handling of Milk in the Lima, Ohio, Marketing Area

AUTHORITY: §§ 995.1 to 995.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 985.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Lima, Ohio, on June 23

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

and 24, 1952, upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Lima, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act:

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient qauntity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Lima, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, as set forth below:

DEFINITIONS

§ 995.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 1946 ed. 601 et seq.).

§ 995.2 *Secretary.* "Secretary" means the Secretary of Agriculture, or such other officer or employee of the United States as may be authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 995.3 *U. S. D. A.* "U. S. D. A." means the United States Department of Agriculture.

§ 995.4 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 995.5 *Lima, Ohio, marketing area.* "Lima, Ohio, marketing area" called the "marketing area" in this subpart means the territory within the corporate limits of Lima, in the County of Allen, State of Ohio.

§ 995.6 *Grade A milk.* "Grade A milk" means milk produced by a person holding a dairy farm inspection permit issued by the Lima, Ohio, Board of Health for the production of Grade A milk, which is permitted by such health authority to be disposed of as Grade A milk.

§ 995.7 *Fluid milk plant.* "Fluid milk plant" means a plant or other facilities used in the preparation or processing of Grade A milk all or a portion of which is sold or disposed of in the marketing area as Class I milk.

§ 995.8 *Producer.* "Producer" means any person who produces Grade A milk received (a) at a fluid milk plant, or (b) at any other plant by diversion from a fluid milk plant for the account of a handler or a cooperative association.

§ 995.9 *Producer-milk.* "Producer-milk" means milk produced by one or more producers under the conditions set forth in § 995.8.

§ 995.10 *Handler.* "Handler" means any person who (a) operates a fluid milk plant; (b) receives milk at a plant and either directly or indirectly disposes of milk, skim milk, buttermilk, or flavored milk drink from such plant to a wholesale or retail stop(s) in the marketing area other than a fluid milk plant; or (c) any cooperative association with respect to producer milk diverted by it from a fluid milk plant to any plant not a fluid milk plant for the account of such association.

§ 995.11 *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers: *Provided,* That (a) the maintenance, care and management of the dairy animals and other resources necessary to produce milk is the personal enterprise of and at the personal risk of such person in his capacity as a producer and (b) the processing, packaging, and distribution of the milk is the personal enterprise of and at the personal risk of such person in his capacity as a handler.

§ 995.12 *Other source milk.* "Other source milk" means all skim milk and butterfat received other than producer milk, except (a) receipts from a producer-handler, and (b) any non-fluid milk product received and disposed of in the same form.

§ 995.13 *Cooperative association.* "Cooperative Association" means any cooperative marketing association of producers which the Secretary determines, after application by the association: (a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and (c) to have all of its activities under the control of its members.

MARKET ADMINISTRATOR

§ 995.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 995.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 995.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 995.76:

(1) The cost of his bond and of the bonds of his employees;

(2) His own compensation; and

(3) All other expenses, except those incurred under § 995.77, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 995.30 or § 995.31, or (2) payments pursuant to §§ 995.70, 995.71, 995.73, 995.76, 995.77, 995.78, or 995.80;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this subpart; and

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day after the end of such month the minimum prices for skim milk and butterfat for each class computed pursuant to §§ 995.51, and 995.52 and the butterfat differential computed pursuant to § 995.75; and

(2) On or before the 12th day after the end of such month, the uniform price computed pursuant to § 995.61.

(j) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this subpart as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 995.30 *Monthly reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator, in the detail and on forms prescribed by the market administrator, the following information with respect to all milk received from producers, all milk, skim milk, cream, and milk products received from other handlers, all other source milk received during the month at his fluid milk plant(s) (in the case of a handler not operating a fluid milk plant, all other source milk received), and milk diverted pursuant to §§ 995.8 and 995.82:

(a) The quantities of butterfat and skim milk contained in such receipts, and their sources;

(b) The utilization of such receipts; and

(c) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 995.31 *Other reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows, except that each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request: On or before the 22d day after the end of each month his producer payroll for the month, which shall show (a) the pounds of milk and the percentages of butterfat contained therein received from each producer; (b) the amounts and dates of payments to each producer or cooperative association; and (c) the nature and amount of each deduction or charge involved in the payments referred to in paragraph (b) of this section.

§ 995.32 *Records and facilities.* Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, and for other contents of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 995.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 995.40 *Basis of classification.* All skim milk and butterfat (in any form) received at a fluid milk plant as (a) producer milk, (b) a transfer from another fluid milk plant, and (c) other source milk, shall be classified in the classes set forth in § 995.41.

§ 995.41 *Classes of utilization.* Subject to the conditions set forth in §§ 995.42, 995.43, 995.44, and 995.45, the classes of utilization of milk shall be:

(a) Class I milk shall be all skim milk and butterfat disposed of (1) in fluid form (other than as livestock feed) as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cultured milk products, concentrated milk, and sweet or sour cream, eggnog and any cream product in fluid form having more than 8 percent butterfat; and (2) as all skim milk and butterfat not accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat accounted for as (1) used to produce a product other than those specified in paragraph (a) of this section, (2) having been dumped or disposed of for livestock feeding, (3) actual plant shrinkage of skim milk and butterfat received in producer milk but not to exceed 2 percent of such receipts of skim milk and butterfat, respectively, and (4) actual plant shrinkage of skim milk and butterfat in other source milk received: *Provided,* That if producer milk is utilized as milk, skim milk, or cream in conjunction with other source milk, the shrinkage allocated to each shall be computed pro rata according to the proportions of the volume of skim milk and butterfat, respectively, received from each such source to their total.

§ 995.42 *Interplant transfers.* Skim milk and butterfat disposed of in the form of milk, cream, or skim milk by a handler to any milk processing or milk manufacturing plant, including any other fluid milk plant, shall be Class I milk, unless (a) Class II use is indicated in writing to the market administrator by both the transferring handler and the receiver on or before the 7th day after the end of the month within which such disposition was made, and (b) the receiver maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the verification of such reported utilization: *Provided,* That, in no event shall the amount so reported be greater than the total amount so used by the receiver.

§ 995.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be classified as Class I milk unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 995.44 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for obvious errors the report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler.

§ 995.45 *Allocation of butterfat classified.* The market administrator shall determine the classification of butterfat in producer milk as follows:

(a) Subtract from the total pounds of butterfat in Class II milk the total pounds of butterfat shrinkage pursuant to § 995.41 (b) (3) and (4).

(b) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat received from other handlers and used in such class.

(c) Subtract from the pounds of butterfat remaining in each class, in sequence beginning with Class II milk, the pounds of butterfat in other source milk other than butterfat shrinkage in other source milk subtracted pursuant to paragraph (a) of this section.

(d) Add to the pounds of butterfat remaining in Class II milk the pounds of butterfat shrinkage in producer milk subtracted pursuant to paragraph (a) of this section; and if the remaining pounds of butterfat in all classes exceed the pounds of butterfat received in producer milk, subtract such excess from the remaining pounds of butterfat in each class, in sequence beginning with Class II milk. The pounds of butterfat remaining shall be the pounds in each class allocated to producer milk.

§ 995.46 *Allocation of skim milk classified.* Skim milk shall be allocated to each class in accordance with the same procedure as outlined for butterfat in § 995.45.

MINIMUM PRICES

§ 995.50 *Basic formula price.* The basic formula price per hundredweight of milk to be used in computing the minimum price for Class I milk for the month as provided in this section shall be the highest of the prices determined pursuant to paragraphs (a) and (b), of this section:

(a) The market administrator shall compute (to the nearest tenth of a cent) an average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during such month at the following plants or places for which prices are reported to the market administrator by the U. S. D. A. or by the companies listed below:

Company and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.

Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator by adding together the plus amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month, subtract 3 cents, add 20 percent of the resulting amount, and then multiply by 3.5; and

(2) From the simple average of the weighted averages of carlot prices per pound of spray and roller process nonfat dry milk solids in barrels for human consumption f. o. b. manufacturing plants in the Chicago area as published for each month by the U. S. D. A., deduct 5.5 cents, and multiply the result by 8.2.

§ 995.51 *Class I milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant during the month, which is classified as Class I milk, shall be determined by the market administrator as follows:

(a) To the basic formula price add the following amounts for the months indicated:

April, May, June	$0.85
February, March, July	1.15
All others	1.45

(b) Add together the amounts determined in § 995.50 (c) (1) and (2), divide the sum into the amount determined in § 995.50 (c) (1) and multiply by 100.

(c) Multiply the price determined in paragraph (a) of this section by the percent determined in paragraph (b) of this section and then divide by 0.035. The resulting amount shall be the Class I butterfat price per hundredweight.

(d) From the price determined in paragraph (a) of this section subtract the amount computed in paragraph (c) of this section times 0.035, and divide the remainder by 0.965. The resulting amount shall be the Class I skim milk price per hundredweight.

§ 995.52 *Class II milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received at his fluid milk plant during the month, which is classified as Class II milk, shall be determined by the market administrator as follows:

(a) The market administrator shall compute (to the nearest tenth of a cent) an average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during such month at the following plants or places for which prices have been reported to the market administrator by the U. S. D. A. or by the companies listed below:

Company and Location

Defiance Milk Products Co., Defiance, Ohio.
Pet Milk Co., Coldwater, Ohio.
Nestles Milk Products Co., (uninspected milk price), Marysville, Ohio.
Fisher Dairy and Cheese Co., Wapakoneta, Ohio.
Swift and Co., Lima, Ohio.

(b) Multiply the price computed in paragraph (a) of this section by the percentage computed in § 995.51 (b), and then divide by .035. The resulting amount shall be Class II butterfat price per hundredweight.

(c) Subtract from the price computed in paragraph (a) of this section the amount computed in paragraph (b) of this section times 0.035 and divide the remainder by 0.965. The resulting amount shall be the Class II skim milk price per hundredweight.

DETERMINATION OF UNIFORM PRICE

§ 995.60 *Value of producer milk.* Except as provided in § 995.80 the value of producer milk received by each handler during the month shall be the sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat in each class by the applicable class prices and adding together the resulting amounts, and adding or subtracting, as the case may be, the amount necessary to correct errors in classification for previous months as disclosed by audit of the market administrator: *Provided,* That, if a handler after the substraction of other source milk and receipts from other handlers, has disposed of skim milk or butterfat which on the basis of his reports for the month, pursuant to § 995.30, has been credited to his producers as having been received from them, there shall be added to the value of his producer milk a further amount computed by multiplying the pounds in each class as subtracted pursuant to § 995.45 (d) and § 995.46 by the applicable class price.

§ 995.61 *Computation of uniform price.* For each month the market administrator shall compute a uniform price per hundredweight of producer milk by:

(a) Combining into one total the values computed pursuant to §§ 995.60 and 995.80 for all handlers who reported pursuant to § 995.30 for such month, except those in default in payments required pursuant to §§ 995.73 and 995.80 for the preceding month;

(b) Subtracting, if the weighted average butterfat test of all producer milk represented by the amounts included under paragraph (a) of this section is greater than 3.5 percent or adding, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent, by the butterfat differential computed pursuant to § 995.75 multiplied by 10;

(c) Adding or subtracting, as the case may be, the amount necessary to correct errors in classification for previous months as disclosed by audit of the market administrator;

(d) Adding an amount representing not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Dividing the result by the total hundredweight of producer milk represented by the amounts computed pursuant to § 995.60; and

(f) Subtracting not less than 4 cents nor more than 5 cents.

§ 995.62 *Notification.* On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing for such month:

(a) The amount and value of his producer milk in each class;

(b) The uniform price computed pursuant to § 995.61, and the butterfat differential computed pursuant to § 995.75;

(c) The amount to be paid by such handler to the producer-settlement fund pursuant to § 995.73 or § 995.80, or the amount due such handler from the producer-settlement fund pursuant to § 995.74, as the case may be; and

(d) The amounts to be paid by such handler pursuant to §§ 995.76 and 995.77.

PAYMENTS

§ 995.70 *Time and method of final payment.* On or before the 18th day after the end of each month, each handler shall pay to each producer, or to a cooperative association with respect to milk which was caused to be delivered to him by such association either directly or from producers who have authorized such association to collect payment for them, for milk received from such producer or so delivered by such cooperative association, respectively, during such month not less than the uniform price adjusted by the butterfat differential pursuant to § 995.75, less the amount of payment made pursuant to § 995.71.

§ 995.71 *Partial payment.* On or before the last day of each month, each handler shall pay to each producer, or to a cooperative association authorized to collect payment, not less than the uniform price for the preceding month for milk received from such producer or caused to be delivered to such handler by such cooperative association during the first 15 days of such month: *Provided,* That in the event any producer discontinues shipping to such handler during any month, such partial payments shall not be made and full payment for all milk received from such producer during such month shall be made on the 18th day after the end of such month pursuant to § 995.70.

§ 995.72 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 995.73 and 995.80, and out of which he shall make all payments to handlers pursuant to § 995.74.

§ 995.73 *Equalization payments to the producer-settlement fund.* On or before

the 14th day after the end of each month each handler shall make full payment to the market administrator of any amount by which the total value of his milk for such month is greater than the sum required to be paid by such handler pursuant to §995.70.

§ 995.74 *Equalization payments out of the producer-settlement fund.* On or before the 16th day after the end of each month, the market administrator shall pay to each handler any amount by which the sum required to be paid by such handler pursuant to § 995.70 is greater than the total value of the milk of such handler for such month, less any unpaid obligations of the handler: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments to such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

§ 995.75 *Producer butterfat differential.* In making payments pursuant to § 995.70 the uniform price shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential (computed to the nearest tenth of a cent) computed as follows: Multiply by 1.3 the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month, and divide the result by 10.

§ 995.76 *Expense of administration.* As his pro rata share of expense incurred pursuant to § 995.22 (d), each handler shall pay the market administrator, on or before the 14th day after the end of each month, 3 cents per hundredweight of milk, or such amount not to exceed 3 cents as the Secretary may from time to time prescribe, with respect to receipts during such month, of (a) producer milk (including any milk of such handler's own production), and (b) other source milk classified as Class I milk: *Provided,* That a handler who receives only other source milk shall make such payments with respect to all skim milk and butterfat disposed of within the marketing area during such month as any item included in Class I milk.

§ 995.77 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 995.70, with respect to all milk received each month from each producer (except milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 6 cents per hundredweight of milk, or such amount not to exceed 6 cents as the Secretary may from time to time prescribe, and on or before the 18th day after the end of such month shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of milk of such producers and to provide such producers with market information, such services to be performed by the market administrator, or by an agent engaged by and responsible to him.

(b) In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 995.70 as may be authorized by the membership agreement or contract between such cooperative association and such producers, and shall pay such deductions on or before the 18th day after the end of such month to the cooperative association rendering such services of which such producers are members.

§ 995.78 *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, or such handler from the market administrator, pursuant to §§ 995.73, 995.74, 995.76, 995.77, or 995.80, or (b) any producer or cooperative association from such handler pursuant to § 995.70 the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

APPLICATION OF PROVISIONS

§ 995.80 *Milk subject to special payments.* (a) Milk received by a handler the handling of which is subject to the pricing and payment provisions of any other Federal milk marketing order issued pursuant to the act shall not be subject to the pricing and payment provisions of this section, except that for any month for which the Class I milk price determined pursuant to § 995.51 (a) exceeds the corresponding minimum Class I milk price (adjusted by any applicable location differential) provided by such other order, the handler shall pay into the producer-settlement fund on or before the 14th day after the end of each month, with respect to all skim milk and butterfat disposed of within the marketing area during such month as any item included in Class I milk, an amount computed by the market administrator as follows: From the total value of such skim milk and butterfat at the prices determined pursuant to § 995.51 (c) and (d) subtract the total value of such skim milk and butterfat at prices computed by applying the procedures prescribed in § 995.51 (b), (c), and (d) to the highest Class I milk price provided by such other order.

(b) Any handler who receives only other source milk, which milk is not subject to the pricing and payment provisions of any other Federal milk marketing order issued pursuant to the act, shall pay into the producer-settlement fund on or before the 14th day after the end of each month a sum computed by the market administrator by multiplying the hundredweight of all skim milk and butterfat disposed of by such handler within the marketing area as any item included in Class I milk during such month by the respective differences between the prices for skim milk and butterfat in Class I milk and Class II milk for such month.

§ 995.81 *Milk caused to be delivered by cooperative associations.* Milk referred to as received from producers by a handler shall include milk of producers caused to be delivered directly from the farm to the fluid milk plant of such handler by a cooperative association which is authorized to collect payment for such milk.

§ 995.82 *Milk diverted.* (a) Producer milk diverted by an operator of a fluid milk plant from such plant to a plant not a fluid milk plant shall be deemed to have been received by the fluid milk plant from which such milk was diverted.

(b) Producer milk diverted by a cooperative association from a fluid milk plant to a plant not a fluid milk plant shall be deemed to have been received by such association.

§ 995.83 *Producer-handlers.* Sections 995.40 through 995.46, 995.50 through 995.52, 995.60 through 995.62 and 995.70 through 995.78 shall not apply to the milk of a producer-handler.

TERMINATION OF OBLIGATIONS

§ 995.90 *Termination of obligations.* (a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books or records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such

books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 995.100 *Effective time.* The provisions of this subpart, or of any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 995.101 *When suspended or terminated.* Whenever the Secretary finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act, he shall terminate or suspend the operation of this subpart, or any such provision of this subpart.

§ 995.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 995.103 *Liquidation.* Upon the suspension or the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 995.110 *Agents.* The Secretary may by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 995.111 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid the application of such provisions, and of the remaining provisions of this subpart, to other persons or circumstances shall not be effected thereby.

[F. R. Doc. 52–12693; Filed, Nov. 28, 1952; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 3]

[Docket No. 9552]

THEATER TELEVISION SERVICE

POSSIBLE LOCATION IN RADIO SPECTRUM

In the matter of allocation of frequencies and promulgation of rules and regulations for a theater television service.

The National Exhibitors Theater Television Committee and the Motion Picture Association of America, Inc., parties who presented portions of their direct cases during the session of the theater television hearing held in October, have, at the request of the Commission, filed a statement relative to the possible location of theater television in the radio spectrum. This statement sets forth the frequencies involved in the two separate proposed allocations which those parties have suggested and also notes that frequencies above 10,700 Mc might be used. In order to give notice of these proposals to all interested persons, the Commission here sets forth these proposals as they appear in the statement filed with the Commission:

The first proposal, in summary form, is as follows:

(a) Allocate the frequencies from 5925 to 6285 Mc for the use of theater television.

(b) Provide a reasonable transition period within which the present occupants of 5925 Mc to 6285 Mc can move to frequencies between 6285 and 6425.

(c) Consideration be given to the possibility of using the frequencies between 3500 to 3700 Mc for the purpose of common carrier fixed operations.

(d) Examination be made as to whether the land mobile services in 6425 to 6575 Mc should be accommodated in common carrier bands and the frequencies between 6425 and 6575 be used for theater television mobile pick-up.

Proposal No. 2 would classify theater television as an industrial radio service on a frequency sharing basis and expand the 6575 to 6875b Mc and downward to include 6425 to 6575 Mc for theater television requirements.

If theater television must share frequencies below 7125 Mc with other services on a non-priority basis, it will be necessary to use frequencies above 10,700 Mc in larger centers of population.

If frequencies are allocated for theater television in bands above 10,700 Mc, they should begin at 10700 Mc and progress upward from that point.

We have not planned to make any further or different allocation proposal.

Further sessions of this hearing will be held beginning January 26, 1953, and, as provided in an order [1] adopted herein today, appearances of all parties or any person who wishes to appear and participate in this proceeding must be filed with the Commission by December 1, 1952.

Adopted: November 12, 1952.

Released: November 14, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52–12690; Filed, Nov. 28, 1952; 8:52 a. m.]

[47 CFR Parts 2, 3]

[Docket No. 9552]

THEATER TELEVISION SERVICE

ORDER CONTINUING HEARING

In the matter of allocation of frequencies and promulgation of rules and regulations for a theater television service.[2]

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 12th day of November 1952:

The Commission having under consideration its prior orders in this proceeding and the record herein:

It appearing, that a portion of this hearing was held between October 20 and October 27, 1952, and that the hearing was, on October 27, adjourned until January 12, 1953; and

It further appearing, that this proceeding has been pending for a considerable period of time and that the Commission's records may not accurately reflect the parties who are presently interested in this hearing; and

It further appearing, that the conduct of this proceeding can be expedited if the Commission is informed in advance of the substance of the testimony which will be presented at the next session and if the parties exchange in advance exhibits which it is contemplated will be offered; and

It further appearing, that it would be more convenient to postpone the hearing to a later date in January 1953;

It is ordered, That, regardless of appearances, list of witnesses and statements of testimony which have previously been filed in this proceeding, all persons who desire to appear and submit evidence at the January 1953 session of this hearing, with the exception only of those parties who filed appearances on the record at the October 20, 1952, session, shall file a notice of appearance with the Commission on or before December 1, 1952; and

It is further ordered, That all parties who file such a notice of appearance and

[1] See F. R. Doc. 52–12684, *infra.*

[2] See F. R. Doc. 52–12690, *supra.*

also those who filed an appearance on the record on October 20, 1952, shall, on or before December 22, 1952, file with the Commission an original and fourteen copies of a statement setting forth a list of their witnesses who will testify and a summary, not merely an outline or list of subjects, of the testimony which each witness will present, including specific proposals to be made at the hearing pursuant to the specified issues, or if no testimony is to be offered, a statement to the effect that the party will limit its participation to cross-examination; and

It is further ordered, That, on or before December 22, 1952, each party shall file with the Commission 18 copies of each exhibit it plans to offer at the hearing and shall on that date serve copies of such exhibits on other parties to the proceeding in accordance with a list of parties to be published by the Commission; and

It is further ordered, That the hearing herein now scheduled for January 12, 1953, is postponed to January 26, 1953, when it will be held before the Commission en banc at 10 a. m. in Washington, D. C., at a place to be designated by a subsequent notice.

Released: November 14, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12684; Filed, Nov. 28, 1952; 8:50 a. m.]

[47 CFR Part 4]

[Docket No. 10345]

TELEVISION AUXILIARY BROADCAST STATIONS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 4 of the Commission's rules and regulations governing television auxiliary broadcast stations.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The adoption of the Commission's new television rules makes it necessary that we review the portions of the radio frequency spectrum now allocated for use by television auxiliary stations, i. e., television pickup, television STL, and television intercity relay stations, to determine the manner in which such frequencies should now be reapportioned to accommodate the needs of television broadcasting stations. First, § 4.602 of the Commission's rules now provides for the use of television auxiliary frequencies only by stations operating in the VHF television band (Channels 2–13); it does not provide for such use by television broadcast stations operating in the UHF band (Channels 14–83). Second, heretofore § 3.606 assigned a maximum of only seven channels to any single community, while the rules as now amended assign as many as ten channels to certain communities. Accordingly, the frequency bands allocated to the television auxiliary stations must be reapportioned and the available spectrum space "rechanneled" in order to accommodate the changes effected by the television broadcast rules as now amended.

3. The frequency bands allocated for use by television auxiliary broadcast stations and for common carriers when providing such service to broadcasters are 1990–2110 Mc, 6875–7125 Mc, and 12,700–13,200 Mc. The present rules provide for seven channels in the 2000 Mc band, six of which are 17 Mc wide and one of 18 Mc, ten channels in the 7000 Mc band and twenty channels in the 13,000 Mc band all of 25 Mc bandwidths. Seven channels in each of the above bands are available for the use of television broadcasters on an individually exclusive basis. Six channels are available in the 13,000 Mc band for the shared use by broadcasters and common carriers.[1] The remaining three channels in the 7000 Mc band and seven channels in the 13,000 Mc band have not been assigned to television broadcast stations in order that they might be available on a nationwide basis to communication common carriers for television pickup and STL service to broadcasters.

4. It is proposed to rechannel the 2000 Mc band and the 7000 Mc band to provide a total of ten exclusive individual assignments in each band for the use of the television broadcast licensees in any one city. It is also proposed to reserve the remaining 60 megacycles in the 7000 Mc band and 175 megacycles in the 13,000 Mc band for the exclusive use of communications common carriers in order that they may continue to provide television pickup and television STL service to television broadcast stations on a nationwide basis. It is proposed to accomplish this rechanneling by reducing the channel bandwidth to 12 Mc in the 2000 Mc band and to 19 Mc in the 6875–7065 Mc band, thereby leaving 60 Mc in the band 7065–7125 Mc reserved for common carriers. No rechanneling of the band 13,000 Mc is proposed. However, three of the 25 Mc channels now listed in § 4.602 (c), as available on a non-exclusive basis, are proposed to be made available on an exclusive basis to provide a total of ten individually exclusive 25 Mc channels in the band 12,950–13,200 Mc. In addition, it is proposed to provide for the use of ISM bands 2450–2500 Mc and 10,500–10,700 Mc on a shared basis with other television auxiliaries, and with stations in other radio services. Licensees utilizing frequencies in the ISM bands must accept any interference which may result from the incidental radiations of ISM equipment.

5. It is believed that the proposed reduction in channel width may be achieved with minimum effect on existing television auxiliary stations since the normal distribution of such stations and their associated receiving points in a given area plus the discrimination that may be obtained by the use of cross-polarization on adjacent channels will reduce mutual interference. Furthermore, it is not proposed to require that the frequency swing and band width of emissions (other than spurious emissions) be restricted to the assigned channel except where necessary to prevent interference to adjacent channel stations. It is recognized that in a few cases modification of existing equipment may be necessary in order to permit simultaneous adjacent channel operation, but the proposed rules including the frequency apportionment table have been devised so as to result in a minimum dislocation of existing stations.

6. It is proposed to amend § 4.637 (emission authorized) to permit emission band width to exceed the assigned channel width where such operation will not cause interference to adjacent channel stations. In view of the present state of the art with respect to equipment operating in the frequency bands allocated to the television auxiliary broadcast service, the Commission does not consider it desirable to impose greater restrictions on licensees at this time. In those areas where adjacent channel operation is necessary, the licensees of television auxiliary broadcast stations will be required to take such steps as may be necessary to confine their emissions to the assigned channel.

7. The Commission is also proposing to adopt two new sections in the television auxiliary broadcast rules, and to amend two existing rules, in order to meet certain needs not provided when the original rules were adopted. A new § 4.633 is proposed which will provide for the issuances of temporary authorizations for the operation of television pickup equipment for special projects of limited duration. A new § 4.682 is proposed to be added regarding station identification. Section 4.632 (e) is proposed to be amended to provide for the licensing of "stand-by" STL transmitters to be used in the event of failure of the regular STL transmitters. Section 4.651 is proposed to be amended to clarify the rules with respect to changes in equipment, so as to indicate the manner in which such changes may be made.

8. Authority for the issuance of the proposed amendments is vested in the Commission under sections 303 (a), (b), (c), (d), (e), (f), (g), (r), and 4 (i) of the Communications Act of 1934, as amended.

9. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth below, may file with the Commission on or before December 19, 1952, written data, views or arguments concerning said proposals. Persons favoring the amendments as proposed may file written data, views, or arguments supporting said proposals by the same date. Replies to such data,

[1] These frequencies are listed in § 4.602 of the rules.

views or arguments may be filed on or before January 2, 1953. The Commission will consider all such comments before taking final action in the matter, and if comments are submitted which warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

10. This proceeding does not involve any change in frequency allocations set forth in Part 2 of our rules and heretofore made by the Commission. Accordingly, no data views or arguments will be accepted in this proceeding proposing any such changes in frequency allocations.

11. In accordance with the provisions of § 1.784 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: November 12, 1952.

Released: November 17, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Section 4.602 is proposed to be amended as follows:

Delete the present language and substitute therefor the following:

§ 4.602 *Frequency assignment.* (a) The following frequencies are allocated for assignment to individual television broadcast station licensees for television pickup, television STL, and television intercity relay stations, on an exclusive basis:

Television broadcast channel assignment	Required polarization of radiated electric field	Band A (Mc)	Band B (Mc)	Band C (Mc)
2	Horizontal	1990–2002	6932–6951	12950–12975
3 or 4	Vertical	2002–2014	6951–6970	12975–13000
UHF (1)	Horizontal	2014–2026	6970–6989	13000–13025
5 or 6	Vertical	2026–2038	6989–7008	13025–13050
7 or 8	Horizontal	2038–2050	7008–7027	13050–13075
UHF (2)	Vertical	2050–2062	7027–7046	13075–13100
9 or 10	Horizontal	2062–2074	7046–7065	13100–13125
11 or 12	Vertical	2074–2086	6875–6894	13125–13150
UHF (3)	Horizontal	2086–2098	6894–6913	13150–13175
13	Vertical	2098–2110	6913–6932	13175–13200

The channels designated UHF (1), UHF (2), and UHF (3) will be assigned in the numerical order of the UHF television channel assignments to the particular city. Where there are more than three UHF television channels assigned to a particular city, the fourth UHF television station will be assigned the channels reserved in the table in paragraph (a) of this section for the lowest numbered VHF channel that is not assigned to that city, the fifth UHF television station will be assigned the channel reserved for the next higher numbered VHF channel not assigned to that city; etc.

(b) In cities where there are less than ten television broadcast channel assignments, the television auxiliary channels designated in the table in paragraph (a) of this section for television channels not assigned to such cities shall be available on a shared basis to all television broadcast station licensees in that city for television pickup and television intercity relay purposes. However, such channels will not be assigned for television STL purposes. All such authorizations for these frequencies will be issued subject to the condition that they will be withdrawn upon the later assignment of a television broadcast channel to that community for which the table in paragraph (a) of this section makes the frequencies available on an exclusive basis.

(c) The following additional frequencies may be assigned to television pickup, television STL, and television intercity relay stations on a shared basis:

Band D (Mc)	Band E (Mc)		Band F (Mc) [1]
2450–2463	10500–10525	10600–10625	12875–12900
2463–2475	10525–10550	10625–10650	12900–12925
2475–2487	10550–10575	10650–10675	12925–12950
2487–2500	10575–10600	10675–10700	

[1] Shared with communications common carriers providing pickup and STL service to television broadcast station licensees.

The frequencies shown in Band D and Band E above are allocated to accommodate the incidental radiations of industrial, scientific, and medical equipment, and stations operating therein must accept any interference that may be caused by the operation of such devices. Such frequencies are shared with services other than the auxiliary broadcast service, and the channeling shown above is not necessarily that which will be employed by such other services.

(d) The use of frequencies discussed in this part for television intercity relay purposes shall be on a secondary basis, subject to the condition that no harmful interference shall be caused to stations operating in accordance with the Table of Frequency Allocations.

(e) In the event that a television broadcast station licensee engages a communications common carrier to provide a pickup or STL service, the frequencies available to that licensee as prescribed by the table in paragraph (a) of this section may be authorized for use by the communications common carrier for the purpose of providing such service to that licensee.

2. Section 4.632 is proposed to be amended as follows:

Delete the period at the end of § 4.632 (e) and add the following: ": *Provided, however,* That a license may be issued for an additional STL transmitter for use on a stand-by basis in the event of failure of the regular STL transmitter: *And provided further,* That the two transmitters may not be operated simultaneously. Such license will specify the same channel and call sign that is authorized for the regular STL station."

3. Add a new § 4.633 as follows:

§ 4.633 *Temporary authorizations.* (a) Special temporary authority may be granted for the operation, as a television auxiliary broadcast station, of equipment licensed to another television broadcast station, or other class of station, or equipment of suitable design not heretofore licensed. Such authority will normally be granted only for special operation of a temporary nature.

(b) A request for special temporary authority for the operation of a television auxiliary broadcast station may be made by informal application, signed by the applicant under oath or affirmation, and shall be filed with the Commission at least 10 days prior to the date of the proposed operation: *Provided,* That an application filed within less than 10 days of the proposed operation may be accepted upon a satisfactory showing of the reasons for the delay in submitting the request.

(c) An application for special temporary authority shall set forth full particulars of the purpose for which the request is made, and shall show the type of equipment, power output, emission, and frequency or frequencies proposed to be used, as well as the time, date and location of the proposed operation. In the event that the proposed antenna installation will increase the height of any natural formation, or existing man-made structure, by more than 20 feet, a vertical plan sketch showing the height of the structure proposed to be erected, the height above ground of any existing structure, the elevation of the site above mean sea level, and the geographic coordinates of the proposed site, shall be submitted with the application.

(d) A request for special temporary authority shall specify a channel or channels consistent with the provisions of Section 4.602 of this part: *Provided,* That in the case of events of widespread interest and importance which cannot be transmitted successfully on these frequencies, frequencies assigned to other services may be requested upon a showing that operation thereon will not cause interference to established stations: *And, provided further,* That in no case will a television auxiliary broadcast operation be authorized on frequencies employed for the safety of life and property.

4. Section 4.637 is amended as follows:

§ 4.637 *Emission and bandwidth.* (a) Television auxiliary broadcast stations operating on frequencies above 1500 Mc may be authorized to employ any type of emission suitable for the transmission of the visual and accompanying aural signals. The bandwidth of such emissions shall not be in excess of that necessary to provide satisfactory service: *Provided,* That such emissions shall be limited to the assigned channel where necessary to avoid interference to other stations operating on adjacent channels.

(b) Television auxiliary broadcast stations operating on frequencies below 1500 Mc may be authorized to employ either frequency modulation or amplitude modulation, or both, depending upon the equipment employed. The emissions of such stations shall be confined to the assigned channel.

5. Section 4.651 is amended as follows:

Delete the present language of this Section and substitute therefor the following:

§ 4.651 *Equipment changes.* (a) Commission authority upon appropriate formal application (FCC Form 313) therefor is required for any of the following equipment changes:

(1) A change of the transmitter as a whole (except replacement with an identical transmitter), or a change in the power output.

(2) A change of frequency assignment.

(3) A change in the location of a television STL or television intercity relay station (except relocation of the equipment within the same building) or a change in the area of operation of a television pickup station.

(4) Any change in the antenna system of a television STL or television intercity relay station which will result in a change of more than 20 feet in the height above ground of the antenna and supporting structure, or that will result in a change of the direction of the main radiation lobe.

Other equipment changes not specifically referred to in subparagraphs (1), (2), (3) and (4) of this paragraph may be made at the discretion of the licensee provided that the Engineer-in-Charge of the radio district in which the station is located, and the Commission at its Washington office, are notified in writing upon the completion of such changes, and provided that the changes are appropriately reflected in the next application for renewal of license of the television auxiliary broadcast station filed by the licensee.

6. Add a new § 4.682 as follows:

§ 4.682 *Station identification.* (a) Each television auxiliary broadcast station shall identify itself by transmitting its call sign at the beginning and end of each period of operation; and during operation, shall identify itself on the hour by transmitting its own call sign or the call sign of the television broadcast station with which it is associated.

(b) Identification transmissions during operation need not be made when to make such transmissions would interrupt a single consecutive speech, play, religious service, symphony concert, or any type of production. In such cases, the identification transmission shall be made at the first interruption of the entertainment continuity and at the conclusion thereof.

(c) Where more than one television auxiliary broadcast station is employed in an integrated relay system, the station at the point of origination may originate the transmission of the call signs of all the stations in the relay system.

(d) The transmission of the call sign shall normally employ the type of emission for which the station is authorized i. e., a visual transmitter shall employ visual identification and an aural transmitter shall employ aural identification. However, the Commission may at its discretion specify that other suitable identifying signals be transmitted.

[F. R. Doc. 52-12689; Filed, Nov. 28, 1952; 8:52 a. m.]

[47 CFR Part 8]

[Docket No. 10348]

SHIP RADIOTELEGRAPHY

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 8 of the Commission's rules regarding frequencies for ship radiotelegraphy in the band between 22,000 and 22,400 kc.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. The proposed amendment to the rules is intended as a part of the Commission's program of implementation of the International Radio Regulations (Atlantic City, 1947) in accordance with the Agreement concluded at the Extraordinary Administrative Radio Conference (Geneva 1951). It is proposed to amend Part 8 of the Commission's rules to provide that effective June 3, 1953, certain calling and working frequencies now available will not be available, and that effective June 3, 1953, certain calling and working frequencies will be available for ship radiotelegraphy in the band 22,000 to 22,400 kc only in accordance with the provisions of Article 33 of the Atlantic City Radio Regulations as reflected in Appendix 3 to Part 8.

3. The purpose of this proceeding is to make known in advance to the licensees those changes in availability of frequencies which will become effective in the maritime mobile service of radiotelegraphy for ship stations operating in this band. The proposed amendments also reflect the reservation of the frequencies 22,075 kc, 22,195 kc, 22,215 kc, 22,225 kc, 22,332.5 kc, and 22,395 kc as indicated in the Commission's report and order in Docket No. 10209, dated November 3, 1952.

4. The proposed amendments are contained in the appendix attached hereto. They are issued under the authority of sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended.

5. Any interested person who is of the opinion that the proposed amendment should not be adopted or should be adopted in the form set forth may file with the Commission on or before January 9, 1953, a written statement setting forth his comments. Comments and replies to the original comments may be filed within 10 days thereafter. The Commission will consider all comments filed before taking action in this matter.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of statements or comments shall be furnished the Commission.

Adopted: November 19, 1952.

Released: November 24, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

1. Section 8.321 (a) (1) is amended by adding the phrase "Not available after June 3, 1953," after each of the following frequencies in kilocycles listed therein:

22080 Calling		22110	22140
22100		22120	

2. Section 8.321 (a) (2) is amended to read as follows:

(2) Each of the specific frequencies in kilocycles designated in this subparagraph may be authorized as an assigned working frequency exclusively for use by ship stations (public or limited) on board passenger ships and by aircraft stations for communication with stations of the maritime mobile service, when such ship and aircraft stations employ telegraphy in accordance with the provisions of Subpart E of this part: *Provided,* That subsequent to June 3, 1953, these frequencies shall be assigned to individual stations in conformity with the applicable provisions of Appendix 3 to this part:

22085	22115	22145	22165
22095	22125	22155	22175
22105	22135		

2. Section 8.321 (a) (3) is amended to read as follows:

(3) Each of the specific frequencies in kilocycles designated in this subparagraph may be authorized as an assigned working frequency exclusively for use by ship stations (public or limited) on board cargo ships, when such stations employ telegraphy in accordance with the provisions of Subpart E of this part: *Provided,* That, subsequent to June 3, 1953, these frequencies shall be assigned to individual stations in conformity with the applicable provisions of Appendix 3 to this part:

Group A

22272.5	22287.5	22302.5	22317.5
22275	22290	22305	22320
22277.5	22292.5	22307.5	22322.5
22280	22295	22310	22325
22282.5	22297.5	22312.5	22327.5
22285	22300	22315	22330

Group B

22335	22350	22365	22380
22337.5	22352.5	22367.5	22382.5
22340	22355	22370	22385
22342.5	22357.5	22372.5	22387.5
22345	22360	22375	22390
22347.5	22362.5	22377.5	22392.5

3. Section 8.321 (a) (4) is amended to read as follows:

(4) Each of the specific frequencies in kilocycles designated in this subparagraph may be authorized as an assigned calling frequency exclusively for use by ship stations (public or limited) when such stations employ telegraphy in accordance with the provisions of Subpart E of this part; *Provided,* That, subsequent to June 3, 1953, these frequencies shall be assigned to individual stations in conformity with the applicable provisions of Appendix 3 of this part:

22230	22240	22255	22265
22235	22250	22260	

[F. R. Doc. 52-12691; Filed, Nov. 28, 1952; 8:52 a. m.]

[47 CFR Part 17]

[Docket No. 10344]

CONSTRUCTION, MARKING, AND LIGHTING OF ANTENNA TOWERS AND SUPPORTING STRUCTURES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Subpart C of Part 17 of the Commission's rules concerning the construction, marking, and lighting of antenna towers and supporting structures.

1. Part 17 of the Commission's rules specifies the manner in which antenna structures 500 feet and under in height shall be painted and lighted. For antenna structures above 500 feet in height the Commission's rules require that such structures shall be painted and lighted in accordance with specifications to be determined by the Commission after aeronautical study.

2. Having in mind a probable substantial increase in the number of antenna structures above 500 feet in height the Commission is of the opinion that the public interest would be served if general standards for painting and lighting such structures above 500 feet in height were adopted and made a part of the Commission's rules.

3. For antenna structures below 500 feet in height, the proposed standards would remove minor differences between present Part 17 and the obstruction marking criteria of other civil and military agencies and with recently developed international standards and would provide prospective applicants with a guide in connection with the painting and lighting of antenna structures.

4. Accordingly, under the authority of sections 4 (i), 303 (f), (q), and (r) of the Communications Act of 1934, as amended, the Commission proposes to amend Subpart C of Part 17 of its rules as set forth below for the purpose of specifying the manner in which antenna structures shall be painted and lighted, and notice is hereby given of rule making proceedings in the above-described matter.

5. Any interested person who desires to express views in this matter may file with the Commission on or before December 15, 1952, a written statement setting forth his comments. Within fifteen (15) days from the last day for filing of the original comments, comments in reply thereto may be filed. The Commission will consider such comments before taking action in this matter. If any comments appear to warrant the holding of an oral argument, notice of the time and place therefor will be given. An original and fourteen (14) copies of all statements shall be furnished.

Adopted: November 12, 1952.

Released: November 13, 1952.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary,

SUBPART C—SPECIFICATIONS FOR OBSTRUCTION MARKING AND LIGHTING OF ANTENNA STRUCTURES

§ 17.21 *Painting and lighting, when required.* Antenna structures shall be painted and lighted when:

(a) They require special aeronautical study; or

(b) They exceed 170 feet in height above the ground.

(c) The Commission may modify the above requirement for painting and/or lighting of antenna strucures, when it is shown by the applicant that the absence of such marking would not impair the safety of air navigation, or that a lesser marking requirement would insure the safety thereof.

§ 17.22 *Particular specifications to be used.* (a) Where special aeronautical study is not required, the Commission will assign painting and lighting specifications as set forth hereafter.

(b) Where special aeronautical study is required, the Commission will, insofar as is consistent with the safety of life and property in the air, also assign painting and lighting specifications listed hereafter.

(c) However, where antenna installations are of such a nature that their painting and lighting in accordance with these specifications are confusing or endanger rather than assist airmen, the Commission will specify the type of painting and lighting to be used in the individual situation.

§ 17.23 *Specifications for the painting of antenna structures as required by § 17.21.* Antenna structures shall be painted throughout their height with alternate bands of aviation surface orange and white, terminating with aviation surface orange bands at both top and bottom. The width of the bands shall be approximately one-seventh the height of the structure, provided however, that the bands shall not be more than 40 feet nor less than 1½ feet in width.

§ 17.24 *Specifications for the lighting of antenna structures up to and including 150 feet in height.* (a) Antenna structures up to and including 150 feet in height above the ground located in areas set forth in § 17.15 shall be lighted as follows:

(1) There shall be installed at the top of the tower at least two 100- or 111-watt lamps (#100 A21/TS or #111 A21/TS, respectively) enclosed in aviation red obstruction light globes. The two lights shall burn simultaneously and shall be positioned so as to insure unobstructed visibility of at least one of the lights from aircraft at any angle of approach.

§ 17.25 *Specifications for the lighting of antenna structures over 150 feet up to and including 300 feet in height.* (a) Antenna structures over 150 feet up to and including 300 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS–40, Code Beacon type), both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacon shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) At the approximate mid point of the over-all height of the tower there shall be installed at least two 100- or 111-watt lamps (#100 A21/TS or #111 A21/TS, respectively) enclosed in aviation red obstruction light globes. Each light shall be mounted so as to insure unobstructed visibility of at least one light at each level from aircraft at any angle of approach.

(3) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.26 *Specifications for the lighting of antenna structures over 300 feet up to and including 450 feet in height.* (a) Antenna structures over 300 feet up to and including 450 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS–40, Code Beacon type), both lamps to burn simultaneously, and aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. These beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) On levels at approximately two-thirds and one-third of the over-all height of the tower, there shall be installed at least two 100- or 111-watt lamps (#100 A21/TS or #111 A21/TS, respectively) enclosed in aviation red obstruction light globes. Each light shall be mounted so as to insure unobstructed visibility of at least one light at each level from aircraft at any angle of approach.

(3) All lights shall burn continuously or shall be controlled by a light sensitive devise adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.27 *Specifications for the lighting of antenna structures over 450 feet up to and including 600 feet in height.* (a) Antenna structures over 450 feet up to and including 600 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS–40, Code Beacon type), both lamps to burn simultaneously, and aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. These beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) At approximately one-half of the over-all height of the tower one similar flashing 300 mm electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event this beacon cannot be installed in a manner to insure unobstructed visibility of it from aircraft at any angle of approach, there shall be installed two such beacons. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately three-fourths and one-fourth of the over-all height of the tower, at least one 100- or 111-watt lamp (#100 A21/TS or #111 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.28 *Specifications for the lighting of antenna structures over 600 feet up to and including 750 feet in height.* (a) Antenna structures over 600 feet up to and including 750 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS–40, Code Beacon type), both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacon shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) At approximately two-fifths of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event this beacon cannot be installed in a manner to insure unobstructed visibility of it from aircraft at any angle of approach, there shall be installed two such beacons. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately four-fifths, three-fifths and one-fifth of the over-all height of the tower, at least one 100- or 111-watt lamp (#100 A21/TS or #111 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.29 *Specifications for the lighting of antenna structures over 750 feet up to and including 900 feet in height.* (a) Antenna structures over 750 feet up to and including 900 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS–40, Code Beacon type), both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacon shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) At approximately two-fifths of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event this beacon cannot be installed in a manner to insure unobstructed visibility of it from aircraft at any angle of approach, there shall be installed two such beacons. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately five-sixths, one-half, and one-sixth of the over-all height of the tower, at least one 100- or 111-watt lamp (#100 A21/TS or #111 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level.

(4) All lights shall burn continuously or shall be controlled by a light sentitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.30 *Specifications for the lighting of antenna structures over 900 feet up to and including 1,050 feet in height.* (a) Antenna structures over 900 feet up to and including 1,050 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS–40, Code Beacon type) both lamps to burn simultaneously, and aviation red color filters. Where a rod or other construction of less than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. These beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute, with a period of darkness equal to one-half of the luminous period.

(2) On levels at approximately four-sevenths and two-sevenths of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any angle of approach, there shall be installed two such beacons, at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately six-sevenths, five-sevenths, three-sevenths and one-seventh of the over-all height of the tower at least one 100- or 111-watt lamp (#100 A21/TS or #111 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the structure.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.31 *Specifications for the lighting of antenna structures over 1,050 feet up*

to and including 1,200 feet in height. (a) Antenna structures over 1,050 feet up to and including 1,200 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS–40, Code Beacon type), both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacon shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) On levels at approximately three-fourths, one-half and one-fourth of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any angle of approach, there shall be installed two such beacons, at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately seven-eighths, five-eighths, three-eighths, and one-eighth of the over-all height of the tower, at least one 100- or 111-watt lamp (#100 A21/TS or #111 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the structure.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.32 *Specifications for the lighting of antenna structures over 1,200 feet up to and including 1,350 feet in height.* (a) Antenna structures over 1,200 feet up to and including 1,350 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS–40, Code Beacon type), both lamps to burn simultaneously, and aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. These beacons shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) On levels at approximately two-thirds, four-ninths and two-ninths of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any angle of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed height.

(3) On levels at approximately eight-ninths, seven-ninths, five-ninths, one-third and one-ninth of the over-all height of the tower, at least one 100- or 111-watt lamp (#100 A21/TS or #111 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.33 *Specifications for the lighting of antenna structures over 1,350 feet and up to and including 1,500 feet in height.* (a) Antenna structures over 1,350 feet up to and including 1,500 feet in height above the ground shall be lighted as follows:

(1) There shall be installed at the top of the structure one 300 m/m electric code beacon equipped with two 500- or 620-watt lamps (PS–40, Code Beacon type), both lamps to burn simultaneously, and equipped with aviation red color filters. Where a rod or other construction of not more than 20 feet in height and incapable of supporting this beacon is mounted on top of the structure and it is determined that this additional construction does not permit unobstructed visibility of the code beacon from aircraft at any angle of approach, there shall be installed two such beacons positioned so as to insure unobstructed visibility of at least one of the beacons from aircraft at any angle of approach. The beacon shall be equipped with a flashing mechanism producing not more than 40 flashes per minute nor less than 12 flashes per minute with a period of darkness equal to one-half of the luminous period.

(2) On levels at approximately four-fifths, three-fifths, two-fifths, and one-fifth of the over-all height of the tower one similar flashing 300 m/m electric code beacon shall be installed in such position within the tower proper that the structural members will not impair the visibility of this beacon from aircraft at any angle of approach. In the event these beacons cannot be installed in a manner to insure unobstructed visibility of the beacons from aircraft at any angle of approach, there shall be installed two such beacons at each level. Each beacon shall be mounted on the outside of diagonally opposite corners or opposite sides of the tower at the prescribed heights.

(3) On levels at approximately nine-tenths, seven-tenths, one-half, three-tenths, and one-tenth of the over-all height of the tower, at least one 100- or 111-watt lamp (#100 A21/TS or #111 A21/TS, respectively) enclosed in an aviation red obstruction light globe shall be installed on each outside corner of the tower at each level.

(4) All lights shall burn continuously or shall be controlled by a light sensitive device adjusted so that the lights will be turned on at a north sky light intensity level of about 35 foot candles and turned off at a north sky light intensity level of about 58 foot candles.

§ 17.34 *Specifications for the lighting of antenna structures over 1,500 feet in height.* Antenna structures over 1,500 feet in height above the ground shall be lighted in accordance with specifications to be determined by the Commission after aeronautical study which will include lighting recommendations.

§ 17.35 *Antenna farms and multiple structure antenna arrays.* In the case of antenna structures which are so grouped as to present a common potential menace to air navigation, the foregoing requirements for painting and lighting may be modified as a result of aeronautical study.

§ 17.36 *Specifications for the marking and lighting of guy wires used on antenna structures.* (a) Where guy wires are used on antenna structures which are more than 500 feet in height above the ground and where the ground connections of the outer guy wires are more than 500 feet from the base of the structure, the guy wires shall be marked and lighted as follows:

(1) For each 120 feet, or fraction thereof, of the over-all length of each outer guy wire there shall be displayed one marker, spherical in shape with a diameter of not less than 1 foot. The markers shall be aviation surface orange in color.

(2) For each 120 feet, or fraction thereof, of the over-all length of each outer guy wire there shall be displayed one light consisting of at least a 100-watt lamp (A–21 Clear, Traffic Signal type), or equal illuminant, enclosed in an aviation red obstruction light globe.

(3) In the event it is not possible to install adequate obstruction lighting on the outer guy wires of the structure, there shall be displayed at each of the ground connection locations of the outer guy wires a flood lamp. These lamps shall burn simultaneously, shall be mounted clear of any nearby natural or

artificial features, and shall be so directed as to illuminate the outer edges of the aviation surface orange markers installed on the guy wires. In addition a flood lamp shall be placed at each location on the periphery of the circular area around the structure (having a radius equal to the horizontal distance from the base of the structure to the ground connection locations of the outer guy wires) equidistance between the ground connection locations of the outer guy wires. These lamps shall burn simultaneously, shall be mounted clear of any nearby natural or artificial features and shall be directed to the point on the tower where the outer guy wires are attached.

(4) In the event the marking and lighting requirements contained in paragraphs (1), (2), and (3) are not feasible, alternate marking and lighting may be specified by the Commission after aeronautical study which will include marking and lighting recommendation.

§ 17.37 *Lighting of structures during construction.* During construction of an antenna structure, for which obstruction lighting is required, at least two 100- or 111-watt lamps (#100 A21/TS or #111 A21/TS, respectively) enclosed in aviation red obstruction light globes, shall be installed at the uppermost point of the structure. In addition, as the height of the structure exceeds each level at which permanent obstruction lights will be required, two similar lights shall be installed at each such level. These temporary warning lights shall be displayed nightly from sunset to sunrise until the permanent obstruction lights have been installed and placed in operation, and shall be positioned so as to insure unobstructed visibility of at least one of the lights at any angle of approach. In lieu of the above temporary warning lights, the permanent obstruction lighting fixtures may be installed and operated at each required level as each such level is exceeded in height during construction.

§ 17.38 *Inspection of tower lights and associated control equipment.* The licensee of any radio station which has an antenna structure requiring illumination pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended, as outlined elsewhere in this part:

(a) (1) Shall make an observation of the tower lights at least once each 24 hours either visually or by observing an automatic and properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required; or alternatively;

(2) Shall provide and properly maintain an automatic alarm system designed to detect any failure of such lights and to provide indication of such failure to the licensee.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of Civil Aeronautics Administration any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within thirty minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals not to exceed 3 months all automatic or mechanical control devices, indicators and alarm systems associated with the tower lighting to insure that such apparatus is functioning properly.

§ 17.39 *Recording of tower light inspections in the station record.* The licensee of any radio station which has an antenna structure requiring illumination shall make the following entries in the station record of the inspections required by § 17.29.

(a) The time the tower lights are turned on and off each day if manually controlled;

(b) The time the daily check of proper operation of the tower lights was made, if automatic alarm system is not provided;

(c) In the event of any observed or otherwise known failure of a tower light:

(1) Nature of such failure.

(2) Date and time the failure was observed, or otherwise noted.

(3) Date, time and nature of the adjustments, repairs, or replacements were made.

(4) Identification of Airways Communication Station (Civil Aeronautics Administration) notified of the failure of any code or rotating beacon light or top light not corrected within 30 minutes, and the date and time such notice was given.

(5) Date and time notice was given to the Airways Communication Station (Civil Aeronautics Administration) that the required illumination was resumed.

(d) Upon completion of the periodic inspection required at least once each three months:

(1) The date of the inspection and the condition of all tower lights and associated tower lighting control devices, indicators and alarm systems.

(2) Any adjustments, replacements, or repairs made to insure compliance with the lighting requirements and the date such adjustments, replacements, or repairs were made.

§ 17.40 *Cleaning and repainting.* All towers shall be cleaned or repainted as often as necessary to maintain good visibility.

§ 17.41 *Time when lights shall be exhibited.* All lighting shall be exhibited from sunset to sunrise unless otherwise specified.

§ 17.42 *Spare lamps.* A sufficient supply of spare lamps shall be maintained for immediate replacement purposes at all times.

§ 17.43 *Lighting equipment.* The lighting equipment, color of filters, and shade of paint referred to in the specifications are further defined in the following Government and/or Army-Navy Aeronautical Specifications, Bulletins, and Dawings: (Lamps are referred to by standard numbers.)

Aviation red	Army-Navy Specification	AN–C–56.[1]
Outside white	Federal Specifications	TT–P–40, Type 1 or 2.[2]
Aviation surface orange	do	TT–P–59.[2, 3]
Code Beacon	CAA Specifications	446 (sec. II–d–Style 4).[4]
Obstruction light globe, prismatic.	Army-Navy Drawing	AN–L–10A [1] or CAA Specification L–810.
Obstruction light globe, Fresnel	do	
Single multiple obstruction light fitting assembly.	do	
Obstruction light fitting assembly.	do	
100-watt lamp		#100 A21/TS.[5]
111-watt lamp		#111 A21/TS (3,000 hours).
500-watt lamp		#500 PS 40/45.[5]
620-watt lamp		#620 PS 40/45 (3,000 hours).

[1] Copies of Army-Navy Specifications or drawings can be obtained by contacting Commanding General, Air Material Command, Wright Field, Dayton, Ohio, or the Bureau of Aeronautics, Navy Department, Washington 25, D. C. Information concerning Army-Navy Specifications or drawings can also be obtained from the Office of Federal Airways, Civil Aeronautics Administration, Department of Commerce, Washington 25, D. C.

[2] Copies of this specification can be obtained from the Government Printing Office for 5 cents.

[3] At the Air Routes and Ground Aids Division Meeting of the International Civil Aviation Organization during November 1949, the designation "Aviation Surface Orange", was adopted to replace "International Orange".

[4] Copies of this specification can be obtained from the Office of Federal Airways, Civil Aeronautics Administration, Department of Commerce.

[5] It is strongly recommended that the 111-watt and 620-watt, 3,000-hour lamps, be used instead of the 100-watt and 500-watt lamps whenever possible in view of the extended life, lower maintenance cost, and greater safety which they provide.

§ 17.44 *Painting and lighting existing structures.* Nothing in the criteria set forth in §§ 17.11 to 17.17 or this subpart concerning antenna structures or locations shall apply to painting and lighting those structures authorized prior to the effective date of this part except where lighting and painting requirements are reduced, in which case the lesser requirements may apply.

[F. R. Doc. 52–12688; Filed, Nov. 28, 1952; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 150–21]

BUREAU OF INTERNAL REVENUE REORGANIZATION

ABOLITION AND ESTABLISHMENT OF CERTAIN OFFICES

Bureau of Internal Revenue reorganization. Abolition of offices of Collectors and Deputy Collectors of Ohio Collection Districts; establishment of offices of District Commissioner and Directors of Internal Revenue.

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and Reorganization Plan No. 1 of 1952:

1. *Abolition of existing offices.* The abolition of the offices of Collector of Internal Revenue and Deputy Collector for the Ohio Collection Districts shall become effective as of 12 o'clock midnight, November 30, 1952.

2. *Establishment of District Commissioner.* Effective as of 12:01 a. m., December 1, 1952, there is hereby established an office of District Commissioner of Internal Revenue, which shall be known as the Cleveland District, and which shall be comprised of the State of Ohio.

3. *Location of headquarters.* The headquarters office shall be located in the City of Cleveland, Ohio.

4. *Establishment of offices of Director of Internal Revenue.* Effective as of 12:01 a. m., December 1, 1952, there are hereby created the following offices within the Cleveland District:

(a) Director of Internal Revenue for the First Collection District of Ohio (as presently constituted). The headquarters of such office shall be located in Cincinnati, Ohio, and the office shall have the operating title of Director of Internal Revenue, Cincinnati.

(b) Director of Internal Revenue for the Tenth Collection District of Ohio (as presently constituted). The headquarters of such office shall be located in Toledo, Ohio, and the office shall have the operating title of Director of Internal Revenue, Toledo.

(c) Director of Internal Revenue for the Eleventh Collection District of Ohio (as presently constituted). The headquarters of such office shall be located in Columbus, Ohio, and the office shall have the operating title of Director of Internal Revenue, Columbus.

(d) Director of Internal Revenue for the Eighteenth Collection District of Ohio (as presently constituted). The headquarters of such office shall be located in Cleveland, Ohio, and the office shall have the operating title of Director of Internal Revenue, Cleveland.

Dated: November 21, 1952.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 52–12647; Filed, Nov. 28, 1952; 8:46 a. m.]

[Treasury Department Order 150–22]

BUREAU OF INTERNAL REVENUE REORGANIZATION

ABOLITION AND ESTABLISHMENT OF CERTAIN OFFICES

Bureau of Internal Revenue reorganization. Abolition of offices of Collector and Deputy Collectors of Michigan Collection District; establishment of offices of District Commissioner and Director of Internal Revenue.

By virtue of the authority vested in me as Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and Reorganization Plan No. 1 of 1952:

1. *Abolition of existing offices.* The abolition of the offices of Collector of Internal Revenue and Deputy Collector for the Michigan Collection District shall become effective as of 12 o'clock midnight, November 30, 1952.

2. *Establishment of District Commissioner.* Effective as of 12:01 a. m., December 1, 1952, there is hereby established an office of District Commissioner of Internal Revenue, which shall be known as the Detroit District, and which shall be comprised of the State of Michigan.

3. *Location of headquarters.* The headquarters office shall be located in the City of Detroit, Michigan.

4. *Establishment of office of Director of Internal Revenue.* Effective as of 12:01 a. m., December 1, 1952, there is hereby created within the Detroit District the office of Director of Internal Revenue for the Collection District of Michigan (as presently constituted). The headquarters of such office shall be located in Detroit, Michigan, and the office shall have the operating title of Director of Internal Revenue, Detroit.

Dated: November 21, 1952.

[SEAL] E. H. FOLEY,
Acting Secretary of the Treasury.

[F. R. Doc. 52–12648; Filed, Nov. 28, 1952; 8:46 a. m.]

Bureau of Internal Revenue

[Operations Reorganization Order 3 (Supp. 1)]

DISTRICT COMMISSIONER OF INTERNAL REVENUE FOR DETROIT DISTRICT AND DIRECTOR OF INTERNAL REVENUE, DETROIT

DELEGATION OF AUTHORITY WITH RESPECT TO FUNCTIONS OF OFFICE

Pursuant to the authority vested in me as Assistant Commissioner of Internal Revenue, paragraph 8 of Operations Reorganization Order No. 3, dated September 4, 1952 (17 F. R. 8126), is amended, effective at 12:01 a. m., December 1, 1952, to read as follows:

8. *Effective date.* Subject to the exceptions stated below, this order shall be effective with respect to each District Commissioner and Director upon the entrance on duty of such official.

(a) The provisions hereof (other than the provisions of paragraph 6 (b) hereof and paragraph 7 of Exhibit A) shall not be applicable within the Chicago District or the New York City District, to which districts Commissioner's Reorganization Order No. Chi–1 and Commissioner's Reorganization Order No. NYC–1, respectively, shall continue to apply, as modified by paragraph 6 (b) hereof and paragraph 7 of Exhibit A.

(b) None of the provisions hereof shall apply to the Detroit District, to which Operations Reorganization Order No. Det–1 [1] is applicable.

Dated: November 24, 1952.

[SEAL] JUSTIN F. WINKLE,
Assistant Commissioner.

[F. R. Doc. 52–12742; Filed, Nov. 28, 1952; 8:53 a. m.]

[Operations Reorganization Order Det–1]

DISTRICT COMMISSIONER OF INTERNAL REVENUE FOR DETROIT DISTRICT AND DIRECTOR OF INTERNAL REVENUE, DETROIT

DELEGATION OF FUNCTIONS

Pursuant to the authority vested in me as Assistant Commissioner of Internal Revenue:

1. *Delegation to District Commissioner.* There is hereby delegated to the District Commissioner of Internal Revenue for the Detroit District the authority to perform, manage, administer, and provide technical direction of all functions which by this order and subsequent orders are vested in field offices of the Bureau of Internal Revenue within his district. In such capacity, such District Commissioner is vested with the responsibility for district policies, programs and procedures and for directing and coordinating the work of the Director of Internal Revenue within his district. There shall be in the office of the District Commissioner the following positions: Assistant District Commissioner (Administrative); Assistant District Commissioner (Alcohol and Tobacco Tax); Assistant District Commissioner (Appellate). Without limiting the generality of the delegations made hereinabove to the District Commissioner, there are delegated to the District Commissioner and the Assistant District Commissioners the functions more particularly described below in Exhibit A.

2. *Limitations on authority.* The authority delegated in paragraph 1 shall not include the authority which, by Commissioner's Reorganization Order No. 2, or by other orders relating to the same authority, is vested in any Assistant District Commissioner, Appellate, or reserved to the Commissioner. Likewise, the authority delegated in paragraph 1 does not include the functions, relating to the assessment and collection of taxes and the accountability therefor, delegated to the Director of Internal Revenue in paragraph 3 (a) of this order.

[1] See F. R. Doc. 52–12741, *infra*.

3. *Delegation to Director.* (a) to insure the preservation of the right to maintain suit for the refund of taxes against the Director of Internal Revenue in the same manner as suits were maintained against his predecessor Collector, there are hereby delegated to the Director of Internal Revenue all functions relating to the assessment and collection of taxes and the accountability therefor of the predecessor office of Collector of Internal Revenue for the Collection District with respect to which such Director was appointed.

(b) In addition to the functions described in subparagraph (a) of this section, there are hereby delegated to such Director of Internal Revenue, subject to the exercise of appropriate authority by the District Commissioner, the following:

(i) All of the functions of the predecessor office of Collector of Internal Revenue not specifically delegated to such Director in subparagraph (a).

(ii) The functions previously performed by the District Intelligence Division and the Internal Revenue Agent in Charge, which relate to activities within the area constituting such Director's district.

Without limiting the delegations hereinabove made, the functions hereby delegated to each of such Directors include those more particularly described below in Exhibit B.

4. *Assistant Director of Internal Revenue.* There shall be in the office of the Director of Internal Revenue the position of Assistant Director of Internal Revenue. Such Assistant Director of Internal Revenue shall, in case of the sickness or absence of the Director, or in case of the temporary disability of the Director to discharge his duties, perform the functions of the Director; in case of a vacancy occurring in the office of the Director, the Assistant Director shall perform the functions of the Director until another Director is appointed, unless the Secretary of the Treasury shall direct such functions to be performed by such other employee as he may designate.

5. *Authority to redelegate.* The functions herein transferred to the District Commissioner and the Director of Internal Revenue may, within the framework of the organization described below in Exhibits A and B, be delegated by each to subordinates within his district in such manner as he shall from time to time direct.

6. *Continuing duties.* (a) Notwithstanding any Treasury Department Order abolishing the offices of Deputy Collector, the individuals occupying the positions of Deputy Collectors immediately prior to the effective date of such order shall, until changed by appropriate authority, continue to perform the functions they were authorized to perform at such time and to perform such functions in accordance with authorized regulations and procedures in effect at such time. Such individuals shall have the operating title of "Internal Revenue Agent".

(b) All officers and employees now or hereafter assigned as collection officers shall have the functions provided under the Internal Revenue Code, and regulations adopted pursuant thereto, for deputy collectors; all officers and employees now or hereafter assigned as examining officers shall have the functions provided under such Code and regulations for internal revenue agents; and all officers and employees now or hereafter assigned as inspectors (Alcohol and Tobacco tax) or storekeeper-gaugers (Alcohol and Tobacco tax) shall have the functions provided under such Code and regulations for such officers and employees.

7. *Continuation of functions.* Pending the issuance of further instructions, all officers and employees within the District (including all officers and employees within the jurisdiction of the Director of Internal Revenue) shall continue to perform the functions they were authorized to perform immediately prior to the effective date of this order, and to comply with procedures in effect at such time.

8. *Effective date.* This order shall be effective at 12:01 a. m., December 1, 1952.

Dated: November 24, 1952.

[SEAL] JUSTIN F. WINKLE,
Assistant Commissioner.

EXHIBIT A

FUNCTIONS OF OFFICE OF DISTRICT COMMISSIONER

1. *District Commissioner.* Responsible within established policies and procedures for the administration of all Internal Revenue laws and related statutes, including those more particularly described hereinafter, within the district; supervises the work of the Director of Internal Revenue, Detroit; responsible for the activities relating to personnel, training, information and office services; prepares budget estimates, allots and controls funds for the district.

2. *Assistant District Commissioner, Administrative.* Under the District Commissioner, plans and directs the activities of the headquarters office. Responsible for budgetary functions, personnel matters, space allocations, and purchasing of supplies and equipment, training programs, preparation of necessary statistics; and for supervision and coordination of: All activities relating to personnel, training, information, office services, communications (including teletype), requests for space and operating reports within the headquarters office.

3. *Assistant District Commissioner, Alcohol and Tobacco Tax.* Under the District Commissioner is responsible, within the District, for the administration and enforcement of the internal revenue laws relating to alcohol, alcoholic beverages and tobacco, the Federal Alcohol Administration Act, the National and Federal Firearms Acts, the Liquor Enforcement Act of 1936, the Act of August 9, 1939, as it relates to firearms, the shipment of liquor in interstate commerce, and for the investigation of Bureau of Internal Revenue cases involving claims against the Government under the Federal Tort Claims Act. More specifically, is charged with the supervision and regulation of the liquor and tobacco industries; approval and denial of bonds, permits, plats and plans; the determination of liquor and tobacco taxes and penalties; the investigation, detection, and prevention of violations of laws relating to alcoholic liquors, tobacco and firearms, the seizure, custody, forfeiture and disposition of contraband or other property seized under such laws, and the supervision over the activities of all agents and employees engaged in the enforcement of such laws.

4. *Assistant District Commissioner, Appellate.* (a) Under the District Commissioner (except as provided in Commissioner's Reorganization Order No. 2), plans, directs, and coordinates the appellate activities of the District.

(b) Under direct delegation from the Commissioner: (1) Exercises exclusive authority to determine the tax liability in Federal income, profits, estate, gift, excise (other than alcohol, tobacco, narcotics, and firearms), and employment tax cases originating in the office of the Director of Internal Revenue, Detroit, and not docketed in The Tax Court of the United States, in which the taxpayer has protested the determination of tax liability made by the Director and has requested consideration by the Appellate Division; and (2) Exercises exclusive authority to settle, with the concurrence of Appellate Counsel, any case docketed in the Tax Court and calendared for hearing within the District. Provided: That he will not eliminate the ad valorem fraud or negligence penalty except with the concurrence of Appellate Counsel; act in any case in which criminal prosecution is under consideration; or modify any determination of an issue under Section 722 except with concurrence of the Excess Profits Tax Council.

(c) With respect to such taxes, exercises exclusive authority with respect to Closing Agreements for past years considered under Section 3760 and rejections of Offers in Compromise involving tax liability in excess of $5,000 considered under Section 3761. Insofar as the District is concerned, exercises final approval authority on acceptance of Offers in Compromise involving tax liability in excess of $5,000. Signs on behalf of the Commissioner all statutory notices issued by the Appellate Division.

EXHIBIT B

FUNCTIONS OF OFFICE OF DIRECTOR OF INTERNAL REVENUE

1. *Director of Internal Revenue.* Responsible for the execution of established policies and procedures covering the assessment and collection of all Internal Revenue taxes, sale of revenue stamps, and the enforcement of all Internal Revenue laws and related statutes within the district; supervises and coordinates the work of the several field divisions and branch offices; responsible for the activities relating to personnel, training programs, information and office services, the receipt of all types of tax returns and adequate service to the public, the preparation of budget estimates and control of funds for the district; provided, however, that in no instance shall such functions include any function delegated to the Assistant District Commissioner, Appellate, or to the Assistant District Commissioner, Alcohol and Tobacco Tax. Such functions are hereinafter more particularly described and shall be performed through the heads of the following divisions to be established in his office.

2. *Collection Division.* Responsible for the receipt of all tax returns and funds tendered in payment of all taxes; the administration of all taxpayers' accounts, general accounting and the processing of returns; the preparation of the accounting documents required to effect the transfer of funds erroneously received and deposited; the direction, supervision, and coordination of the activities of the Collection and Audit Divisions and field offices.

3. *Audit Division.* Responsible for the examination of all classes of tax returns (except alcohol and tobacco taxes), the collection of delinquent accounts with all related duties, and canvassing for delinquent returns.

4. *Intelligence Division.* Responsible for planning programs and policies relating to tax fraud investigations (other than alcohol and tobacco tax cases), investigations of charges against persons enrolled to practice before the Treasury Department and of applicants for enrollment, of other such special

investigations as the Commissioner may direct, review of reports submitted by special agents in his district, for the investigation of tax fraud, enrollment, and other types of cases delegated to the Intelligence Division, and the preparation of prosecution and tax reports thereon, for operation of special racketeer tax drive and approval of all such cases for closing, and enforcement of the wagering tax law.

Makes appropriate recommendations covering prosecution, fraud penalty, and civil liability features of cases. Assists U. S. Attorneys in court trial of cases.

Reviews reports submitted by special agents with a view to determining whether the special agent's report is complete and his recommendation is sound.

[F. R. Doc. 52–12741; Filed, Nov. 28, 1952; 8:53 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Misc. 62532]

CALIFORNIA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS RESTORED FROM THE ORLAND PROJECT

NOVEMBER 24, 1942.

An order of the Bureau of Reclamation dated August 31, 1951, concurred in by the Assistant Director, Bureau of Land Management, November 15, 1951, revoked the Departmental order of September 3, 1909, so far as it withdrew under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388) the following-described land in connection with the Orland Project, California, and provided that such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands described:

MOUNT DIABLO MERIDIAN

T. 18 N., R. 6 W.,
Sec. 15, lots 9, 10, 11, 14, 15, and 16;
Sec. 22, lots 1, 2, 3, 6, 7, 8, 9, 10, 15, and 16;
Sec. 27, lots 1, 2, 7, 8, 9, 10, 15, and 16.

The above areas aggregate 835.13 acres.

The lands are mountainous and too rough for cultivation, and have no value for small tract or recreational purposes.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Sacramento, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Sacramento, California.

WILLIAM PINCUS,
Assistant Director.

[F. R. Doc. 52–12664; Filed, Nov. 28, 1952; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938, as amended, and section 1 (b) of the Walsh-Healey Public Contracts Act, as amended, have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938, as amended (sec. 14, 52 Stat. 1068; 29 U. S. C. 214; as amended 63 Stat. 910), and Part 525 of the regulations issued thereunder, as amended (29 CFR Part 525), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Sheltered Shop—Rehabilitation Center for the Physically Handicapped, Inc., 20 Wall Street, Stamford, Conn.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 15 cents per hour, whichever is higher. Certificate is effective November 1, 1952, and expires October 31, 1953.

Federation of the Handicapped, 241 West Twenty-third Street, New York 11, N. Y.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 40 cents per hour, whichever is higher. Certificate is effective November 10, 1952, and expires October 31, 1953.

The Lott Day School, Inc., 255 Heffner at Kelsey, Toledo 5, Ohio; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 5 cents per hour for a training period of 240 hours, and 10 cents thereafter, whichever is higher. Certificate is effective November 1, 1952, and expires October 31, 1953.

Minnesota Homecrafters, Inc., 1324 East First Street, Duluth, Minn.; at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 10 cents per hour for an evaluation period of 160 hours and a training period of 160 hours, and 22 cents thereafter, whichever is higher. Certificate is effective November 1, 1952, and expires October 31, 1953.

Minnesota Homecrafters, Inc., 3938 Minnehaha Avenue, Minneapolis, Minn.;

at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards or not less than 10 cents per hour for an evaluation period of 160 hours and a training period of 160 hours, and 22 cents thereafter, whichever is higher. Certificate is effective November 1, 1952, and expires October 31, 1953.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations, as amended. These certificates have been issued on the applicants' representation that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be canceled in the manner provided by the regulations, as amended. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 17th day of November 1952.

JACOB I. BELLOW,
Assistant Chief of Field Operations.

[F. R. Doc. 52-12642; Filed, Nov. 28, 1952; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10274]

WESTERN UNION TELEGRAPH CO.

ORDER CONTINUING HEARING

In the matter of the Western Union Telegraph Company; new and increased charges for tickers furnished in connection with leased facilities.

The Commission having under consideration a motion, filed by the Western Union Telegraph Company on October 29, 1952, requesting that the hearing in the above-entitled matter, scheduled to begin November 12, 1952, be postponed until January 15, 1953; and

It appearing, that both counsel and the principal witness for the respondent Western Union Telegraph Company are so committed to engage in other hearings as to cause conflict with the time of the scheduled hearing herein; and

It further appearing, that no opposition to the granting of the motion has been filed with the Commission, and that the granting thereof will serve the ends of justice and conduce to the orderly dispatch of business; now therefore,

It is ordered, This 7th day of November 1952, that the motion is granted, and the hearing presently scheduled to commence on November 12, 1952, is continued until Thursday, January 15, 1953, at 10:00 a. m., Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 52-12685; Filed, Nov. 28, 1952; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2007]

CITIES SERVICE GAS CO.

NOTICE OF ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NOVEMBER 25, 1952.

Notice is hereby given that on November 24, 1952, the Federal Power Commission issued its order entered November 20, 1952, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12662; Filed, Nov. 28, 1952; 8:47 a. m.]

[Project No. 2120]

MONTANA POWER CO.

NOTICE OF APPLICATION FOR LICENSE

NOVEMBER 24, 1952.

Public notice is hereby given that the Montana Power Company, of Butte, Montana, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for a license for constructed water-power Project No. 2120 (known as the Rainbow Hydroelectric Development) located on the Missouri River approximately 5 miles northeast of Great Falls in Cascade County, Montana—the original development having been completed with six units in 1910 and enlarged in 1917 by adding two additional units—and consisting of a rock-filled, timber-crib dam 26 feet high and 1,146 feet long with a concrete core located above the crest of Rainbow Falls; timber flashboards which increase the height of the dam an additional 10 feet; six waste gates on the right end of the dam; a reservoir about 1½ miles long providing usable storage of 1,055 acre-feet; two 15½-foot diameter steel conduits extending 2,350 feet from the forebay at the dam to the regulating reservoir and 12 penstocks, each 8 feet in diameter and 300 feet long extending from the regulating reservoir to the powerhouse to supply water to the original 6 units; a 14-foot diameter wood stave pipeline 2,214 feet long connecting the forebay to a surge tank and a 14-foot diameter steel penstock 217 feet long running from the surge tank with four steel penstocks each 8 feet in diameter and 171 feet long branching off to the powerhouse to supply water to the additional two units; a powerhouse, located downstream from the dam on the left bank, containing six units each consisting of a 6,000-horsepower turbine connected to a 4,000-kilowatt generator and two units, each consisting of an 8,000-horsepower turbine connected to 5,500-kilowatt generator; a 102-kilovolt transmission line about 350 feet long connecting the plant to the Rainbow switching Station; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before the 9th day of January 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 52-12663; Filed, Nov. 28, 1952; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 27563]

ACETIC ACID AND ANHYDRIDE FROM KINGS MILL, TEX., TO LOUISIANA, TENNESSEE, AND OFFICIAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

NOVEMBER 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Acetic acid, glacial or liquid, and acetic anhydride, carloads.

From: Kings Mill, Tex.

To: Baton Rouge, North Baton Rouge, and New Orleans, La., Memphis, Tenn., and specified points in official and Illinois territories.

Grounds for relief: Rail and market competition, circuity, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3894, Supp. 139; F. C. Kratzmeir, Agent, I. C. C. No. 3967, Supp. 182.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hear-

ing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–12649; Filed, Nov. 28, 1952; 8:46 a. m.]

[4th Sec. Application 27564]

CAUSTIC SODA AND SODA ASH FROM OHIO, MICHIGAN, NEW YORK, AND WEST VIRGINIA TO TENNESSEE

APPLICATION FOR RELIEF

NOVEMBER 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: L. C. Schuldt and C. W. Boin, Agents, for carriers parties to schedules listed below.

Commodities involved: Caustic soda, soda ash, and monohydrate or sesquecarbonate of sodium, carloads.

From: Specified points in Ohio, Michigan, New York, and West Virginia.

To: Holston and Kingsport, Tenn.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: L. C. Schuldt, Agent, I. C. C. No. 4510, Supp. 8; C. W. Boin, Agent, I. C. C. No. A–968, Supp 1.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–12650; Filed, Nov. 28, 1952; 8:46 a. m.]

[4th Sec. Application 27565]

MINE RUN SALT FROM TEXAS AND LOUISIANA TO ALABAMA

APPLICATION FOR RELIEF

NOVEMBER 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Salt, mine run, carloads.

From: Points in Louisiana and Texas.

To: Lensanto, Emco, and Listerhill, Ala.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3903, Supp. 26.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–12651; Filed, Nov. 28, 1952; 8:46 a. m.]

[4th Sec. Application 27566]

SULPHURIC ACID FROM FRONT ROYAL, VA., TO GREENVILLE AND PORT RAYON, TENN.

APPLICATION FOR RELIEF

NOVEMBER 25, 1952.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Sulphuric acid, in tank-car loads.

From: Front Royal, Va.

To: Greenville and Port Rayon, Tenn.

Grounds for relief: Competition with rail carriers, circuitous routes, and to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1200, Supp. 68.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 52–12652; Filed, Nov. 28, 1952; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54–136]

LONG ISLAND LIGHTING CO. ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER CERTAIN FEES AND EXPENSES

NOVEMBER 24, 1952.

In the matter of Long Island Lighting Company, Queens Borough Gas and Electric Company, Nassau & Suffolk Lighting Company; File No. 54–136.

The Commission by order dated November 16, 1949 (Holding Company Act Release No. 9510), having approved a plan filed under section 11 (e) of the act proposing the consolidation of Long Island Lighting Company, a then registered holding company, and two of its public-utility subsidiary companies, Queens Borough Gas and Electric Company and Nassau & Suffolk Lighting Company and the recapitalization of the resultant consolidated corporation, which was to be known as Long Island Lighting Company ("Consolidated Corporation"); and

That order having reserved jurisdiction over the payments of all fees and expenses incurred in connection with the plan, and subsequently, applications for payment of fees and expenses were filed by participants in the proceedings relating to the plan; and

The Commission by order dated July 30, 1952 (Holding Company Act Release No. 11413 Corrected), having released jurisdiction over the payment of certain fees and expenses, and continued the reservation of jurisdiction with respect to all other fees and expenses; and

The Consolidated Corporation having subsequent to said order of July 30, 1952, filed certain information with respect to the fees and expenses which it paid to two experts employed by it in connection with the section 11 (e) plan, but who had not filed applications on their own behalf; and

The Consolidated Corporation having requested that the Commission release jurisdiction over these fees and expenses, which are described as follows:

	Fee	Expenses	Total
Dr. J. Rhoads Foster	$3,000.00	$2,348.34	$5,348.34
W. C. Gilman & Co.	8,170.00	130.39	8,300.39

It appearing to the Commission that the fees and expenses enumerated above are reasonable in amount and appropriate.

It is ordered, That jurisdiction be, and the same hereby is, released with respect to these payments.

It is further ordered, That the reservation of jurisdiction over fees and expenses contained in the Commission's order of November 16, 1949, hereby is expressly continued except insofar as specifically released in the order of July 30, 1952, and herein.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–12680; Filed, Nov. 28, 1952; 8:50 a. m.]

[File No. 70–2910]

ARKANSAS POWER & LIGHT CO.

ORDER RELEASING JURISDICTION OVER LEGAL FEES AND EXPENSES

NOVEMBER 24, 1952.

The Commission, by orders dated August 26, 1952, and September 10, 1952, having granted the application, as amended, of Arkansas Power & Light Company ("Arkansas"), an electric utility subsidiary of Middle South Utilities, Inc., a registered holding company, with respect to the issuance and sale of $15,000,000 principal amount of First Mortgage Bonds, __ percent Series, due 1982, pursuant to the competitive bidding requirements of Rule U-50; and

The Commission's supplemental order of September 10, 1952, with respect thereto, having reserved jurisdiction with respect to legal fees and expenses; and

The record having been completed with respect to these matters, and certain of the legal fees having been modified, and the Commission finding that the said legal fees, as modified, are not unreasonable, and that it is appropriate to release jurisdiction heretofore reserved with respect thereto, as follows:

Reid & Priest (New York counsel for the company)	$8,750
House, Moses & Holmes (local counsel to the company)	5,750
White & Case (independent counsel for the purchasers; fee to be paid by the purchasers)	8,000

It is ordered, That jurisdiction heretofore reserved with respect to legal fees and expenses be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 52–12679; Filed, Nov. 28, 1952; 8:50 a. m.]

ECONOMIC STABILIZATION AGENCY

Office of Price Stabilization

[Region IX, Redelegation of Authority 35, Amdt. 1]

DIRECTORS OF DISTRICT OFFICES, REGION IX, KANSAS CITY, MO.

REDELEGATION OF AUTHORITY TO ACT UNDER CPR 13, SECTION 8 (a) (2) AND SECTION 9 (b)

By virtue of the authority vested in me as Director of the Regional Office of Price Stabilization, Region IX, pursuant to the provisions of Delegation of Authority No. 62, Amendment 1, dated October 1, 1952 (17 F. R. 8784), this Amendment 1 to Redelegation of Authority No. 35 (17 F. R. 4546), is hereby issued.

Redelegation of Authority No. 35 is amended by adding a new paragraph designated (4) to read as follows:

(4) To take appropriate action under section 8 (a) (2) and section 9 (b) of Ceiling Price Regulation 13. All actions taken by district offices under section 8 (a) (2) and section 9 (b) of Ceiling Price Regulation 13, prior to the issuance of this redelegation of authority are hereby confirmed and validated.

This Amendment 1 to Redelegation of Authority No. 35 shall take effect as of October 30, 1952.

M. A. BROOKS, *Regional Director, Region IX.*

NOVEMBER 24, 1952.

[F. R. Doc. 52–12635; Filed, Nov. 24, 1952; 5:05 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 30]

HESTER FIELD, ST. JAMES PARISH, LOUISIANA

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the sale of crude petroleum produced from the Hester Field, St. James Parish, Louisiana.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon crude petroleum produced from the Hester Field, St. James Parish, Louisiana. This condensate is produced in conjunction with natural gas and during the base period there was a lack of competitive factors due to the fact that production was curtailed by a lack of gas outlets. As a result, the crude condensate produced from the Hester Field, St. James Parish, Louisiana, was sold at a lower price than that paid for crude condensate of comparable quality produced in this same general area. It appears that this condition has now been eliminated and these differentials should no longer be imposed.

From the information available to this Office, it appears that the requested ceiling price of $2.85 per barrel flat does not exceed the ceiling price of comparable crude condensate produced in this same area.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude condensate produced from the Hester Field, St. James Parish, Louisiana shall be: $2.85 per barrel flat.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on November 22, 1952.

TIGHE E. WOODS, *Director of Price Stabilization.*

NOVEMBER 21, 1952.

[F. R. Doc. 52–12547; Filed, Nov. 21, 1952; 12:41 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 31]

CERTAIN FIELDS IN TEXAS

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the purchase of crude petroleum produced from the Sublime, Frelsburg, Glasscock, Columbus, and Chesterville Fields, Colorado County, Texas; West Bernard and Lissie Fields, Wharton County, Texas; and the Halletsville Field, Lavaca County, Texas.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon crude petroleum produced from the Sublime, Frelsburg, Glasscock, Columbus, and Chesterville Fields, Colorado County, Texas; West Bernard and Lissie Fields, Wharton County, Texas; and the Halletsville Field, Lavaca County, Texas. During the base period there was a lack of competitive factors and adequate low cost pipe line transportation had not been installed and, as a result this crude condensate was sold at a lower price than that paid for crude condensate of comparable quality produced in this same general area. It appears that this condition has now been eliminated and these differentials should no longer be imposed.

From the information available to this Office, it appears that this requested ceiling price of $2.85 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40° does not exceed the ceiling price of comparable crude petroleum produced in this same area.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude condensate produced from the Sublime, Frelsburg, Glasscock, Columbus and Chesterville Fields, Colorado County, Texas; West Bernard and Lissie Fields, Wharton County, Texas; and the Halletsville Field, Lavaca County, Texas, shall be: $2.85 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40°.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on November 22, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 21, 1952.

[F. R. Doc. 52-12548; Filed, Nov. 21, 1952; 12:41 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 32]

BIG HILL FIELD, JEFFERSON COUNTY, TEXAS

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the purchase of crude petroleum produced from the Big Hill Field, Jefferson County, Texas.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon crude petroleum produced from the Big Hill Field, Jefferson County, Texas. During the base period there was a lack of competitive factors and as a result, this crude condensate was sold at a lower price than that paid for crude condensate of comparable quality produced in this same general area. It appears that this condition has now been eliminated and these differentials should no longer be imposed.

From the information available to this office, it appears that this requested ceiling price of $2.88 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40°, down to $2.46 per barrel for below 20° API gravity does not exceed the ceiling price of comparable crude petroleum produced in this same area.

Special provisions. For the reasons set forth in the Statement of Consideration and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude condensate produced from the Big Hill Field, Jefferson County, Texas shall be: $2.88 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40°, down to $2.46 per barrel for below 20° API gravity.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on November 22, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 21, 1952.

[F. R. Doc. 52-12549; Filed, Nov. 21, 1952; 12:41 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 33]

LEONA RIVER FIELD, ZAVALA COUNTY, TEXAS

CRUDE CONDENSATE CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the purchase of crude condensate produced from the Leona River Field, Zavala County, Texas.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon crude condensate produced from the Leona River Field, Zavala County, Texas. During the base period there was a lack of competitive factors and as a result, this crude condensate was sold at a lower price than that paid for crude condensate of comparable quality produced in this same general area. It appears that this condition has now been eliminated and these differentials should no longer be imposed.

From the information available to this office, it appears that the requested price of $2.80 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40°, down to $2.38 per barrel for below 20° does not exceed the ceiling price of comparable crude condensate produced in this same area.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude condensate produced from the Leona River Field, Zavala County, Texas shall be: $2.80 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40° down to $2.38 per barrel for below 20° API gravity.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This special order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on November 22, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 21, 1952.

[F. R. Doc. 52-12550; Filed, Nov. 21, 1952; 12:42 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 34]

NORTH WITHERS FIELD, WHARTON COUNTY, TEXAS

CRUDE CONDENSATE CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the purchase of crude condensate produced from the North Withers Field, Wharton County, Texas.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon crude condensate produced from the North Withers Field, Wharton County, Texas. During the base period there was a lack of competitive factors and as a result, this crude condensate was sold at a lower price than that paid for crude condensate of comparable quality produced in this same general area. It appears that this condition has now been eliminated and these differentials should no longer be imposed.

From the information available to this Office, it appears that the requested price of $2.88 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40° does not exceed the ceiling price of comparable crude condensate produced in this same area.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *It is ordered:*

1. That the ceiling price at the lease receiving tank for crude condensate produced from the North Withers Field, Wharton County, Texas, shall be: $2.88 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40°.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on November 22, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 21, 1952.

[F. R. Doc. 52-12551; Filed, Nov. 21, 1952; 12:42 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 35]

WEST EL CAMPO FIELD, WHARTON COUNTY, TEXAS

CRUDE CONDENSATE CEILING PRICES ADJUSTED ON AN IN-LINE BASIS

Statement of considerations. This special order adjusts the ceiling price for the purchase of crude condensate produced from the West El Campo Field, Wharton County, Texas.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon crude condensate produced from the West El Campo Field, Wharton County, Texas. During the base period there was a lack of competitive factors and as a result, this crude condensate was sold at a lower price than that paid for crude condensate of comparable quality produced in this same general area. It appears that this condition has now been

eliminated and these differentials should no longer be imposed.

From the information available to this Office, it appears that the requested price of $2.88 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40°, down to $2.54 per barrel for below 24° API gravity does not exceed the ceiling price of comparable crude condensate produced in this same area.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *it is ordered:*

1. That the ceiling price at the lease receiving tank for crude condensate produced from the West El Campo Field, Wharton County, Texas, shall be: $2.88 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40°, down to $2.54 per barrel for below 24° API gravity.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on November 22, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 21, 1952.

[F. R. Doc. 52–12552; Filed, Nov. 21, 1952; 12:43 p. m.]

[Ceiling Price Regulation 32, Supplementary Regulation 2, Section 3, Special Order 36]

FRIO COUNTY, TEXAS

CRUDE PETROLEUM CEILING PRICES ADJUSTED ON AN IN-LINE BASIS FOR CERTAIN FIELDS

Statement of considerations. This special order adjusts the ceiling price for the purchase of crude petroleum produced from the Doering Ranch and Marrs Fields, Frio County, Texas.

The Office of Price Stabilization has been requested to eliminate the differentials heretofore imposed upon crude petroleum produced from the Doering Ranch and Marrs Fields, Frio County, Texas. During the base period there was a lack of competitive factors and as a result, this crude condensate was sold at a lower price than that paid for crude condensate of comparable quality produced in this same general area. It appears that this condition has now been eliminated and these differentials should no longer be imposed.

From the information available to this Office, it appears that this requested ceiling price of $2.80 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40°, down to $2.38 per barrel for below 20° API gravity does not exceed the ceiling price of comparable crude petroleum produced in this same area.

Special provisions. For the reasons set forth in the Statement of Considerations and pursuant to the provisions of section 3 of Supplementary Regulation 2 to Ceiling Price Regulation 32, *it is ordered:*

1. That the ceiling price at the lease receiving tank for crude condensate produced from the Doering Ranch and Marrs Fields, Frio County, Texas, shall be: $2.80 per barrel for 40° API gravity and above with a 2-cent differential less for each degree of gravity below 40°, down to $2.38 per barrel for below 20° API gravity.

2. All provisions of Ceiling Price Regulation 32, except as inconsistent with the provisions of this order, shall remain in full force and effect as to the commodities covered by this order.

3. This order may be amended, modified or revoked by the Director of Price Stabilization at any time.

Effective date. This special order shall become effective on November 22, 1952.

TIGHE E. WOODS,
Director of Price Stabilization.

NOVEMBER 21, 1952.

[F. R. Doc. 52–12553; Filed, Nov. 21, 1952; 12:43 p. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ROSINA TREML ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Rosina Treml, Steyr, Upper Austria; $246.26 cash in the Treasury of the United States.

Anna Riesenhuber, Garsten-Sarning 33, near Steyr, Upper Austria; $258.48 cash in the Treasury of the United States.

Thomas Holzmayer, Garsten, near Steyr, Upper Austria; $246.26 cash in the Treasury of the United States. Claim No. 15656.

Executed at Washington, D. C., on November 21, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52–12674; Filed, Nov. 28, 1952; 8:49 a. m.]

CURT PULVERMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Curt Pulvermann, Buenos Aires, Argentina; Claim No. 43077; $29,956.98 cash in the Treasury of the United States.

Executed at Washington, D. C., on November 21, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52–12675; Filed, Nov. 28, 1952; 8:49 a. m.]

[Vesting Order 19067]

PAULINE ROTHMAN

In re: Estate of Pauline Rothman, also known as Paula Geyersbach, and as Maria Auguste Geiersbach, deceased. File No. 017–27615.

Under the authority of the Trading With the Enemy Act, as amended (50 U. S. C. App. and Sup. 1–40); Public Law 181, 82d Congress, 65 Stat. 451; Executive Order 9193, as amended by Executive Order 9567 (3 CFR 1943 Cum. Supp.; 3 CFR 1945 Supp.); Executive Order 9788 (3 CFR 1946 Supp.) and Executive Order 9989 (3 CFR 1948 Supp.), and pursuant to law, after investigation, it is hereby found:

1. That Bertha Karoline Wilhelmine Johanna Drossard, Ernst Joseph Geiersbach, Johanna Gertrud Rosskamp, Elisabeth Bock Leenarts, Caroline Josephina Margaretha Pankau, Adelheide Bachus, Maria Wolinsky and Margot Elvire Irene Collo-Gilljam, whose last known address is Germany, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany and are, and prior to January 1, 1947 were, nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next-of-kin, legatees and distributees, names unknown, of Friedrich Wilhelm Geiersbach, deceased, and of Wilhelm Carl Joseph Vecqueray, deceased who there is reasonable cause to believe are and, on or since December 11, 1941, and prior to January 1, 1947, were residents of Germany, are and prior to January 1, 1947, were nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the Estate of Pauline Rothman, also known as Paula Geyersbach, and as Maria Auguste Geiersbach, deceased, is property which is and prior to January 1, 1947, was within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by the Treasurer of the City of New York, as depositary, acting under the judicial supervision of the Surrogate's Court, New York County, State of New York;

and it is hereby determined:

5. That the national interest of the United States requires that the persons identified in subparagraphs 1 and 2 hereof, be treated as persons who are and prior to January 1, 1947, were nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 24, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12671; Filed, Nov. 28, 1952; 8:49 a. m.]

MARIE VIVAN

NOTICE OF REVOCATION OF NOTICE OF INTENTION TO RETURN VESTED PROPERTY AND RETURN ORDER NO. 995

The claim described below was filed by Marie Vivan. Since she died on August 8, 1951, prior to return of the property, the notice of intention to return vested property (15 F. R. 6137, September 12, 1950) and Return Order No. 995 dated June 26, 1951, (16 F. R. 6708, July 19, 1951) are hereby revoked.

Claimant, Claim No., Property, and Location

Marie Vivan, Pasiano, Udine, Italy, 36371; $3,150.00 in the Treasury of the United States.

All right, title, interest and claim of Maria Vivan in and to any and all causes of action arising out of the death of Giovanni Battisti Vivan under the common law and any Federal or State statutes with the exception of those arising under the Workman's Compensation Law of the State of Michigan and against the Waterway Construction Company, Detroit, Michigan, and the Associated Indemnity Company, San Francisco, California.

Executed at Washington, D. C., on November 21, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12678; Filed, Nov. 28, 1952; 8:50 a. m.]

LORENZO VIVAN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Lorenzo Vivan, Pasiano, Udine, Italy; Guido Vivan, Pasiano, Udine, Italy; Vittorio Vivan, Pasiano, Udine, Italy; Claim No. 36371; $3,150.00 in the Treasury of the United States, one-third thereof to each claimant.

All right, title, interest and claim of Marie Vivan, Lorenzo Vivan, Guido Vivan and Vittorio Vivan, in and to any and all causes of action arising out of the death of Giovanni Battisti Vivan under the common law and any Federal or State Statutes with the exception of those arising under the Workmen's Compensation Law of the State of Michigan and against the Waterway Construction Company, Detroit, Michigan, and the Associated Indemnity Company, San Francisco, California.

Executed at Washington, D. C., on November 21, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12672; Filed, Nov. 28, 1952; 8:49 a. m.]

FRANZ WALLISCH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Franz Wallisch, Vienna, Austria; Claim No. 42683; $1,516.11 cash in the Treasury of the United States.

Executed at Washington, D. C., on November 21, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12677; Filed, Nov. 28, 1952; 8:50 a. m.]

SPLADIS, SOCIETE POUR L'APPLICATION D'INVENTIONS SCIENTIFIQUES

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

SPLADIS, Societe pour l'Application d'Inventions Scientifiques, Geneva, Switzerland; Claim No. 1934; property described in Vesting Order No. 670 (8 F. R. 5003, April 17, 1943), relating to United States Letters Patent Nos. 2,216,567 and 2,274,734.

Property described in Vesting Order No. 296 (7 F. R. 9842, November 26, 1942), relating to United States Patent Application Serial Nos. 298,570 (now United States Letters Patent No. 2,310,520); 276,250 (now United States Letters Patent No. 2,330,569) and 369,033 (now United States Letters Patent No. 2,328,439).

Executed at Washington, D. C., on November 21, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12673; Filed, Nov. 28, 1952; 8:49 a. m.]

ADRIANO CAVALIERI DUCATI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Adriano Cavalieri Ducati, Milano, Italy; Claim No. 41025; property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Letters Patent No. 2,223,887 and property described in Vesting Order No. 2246 (8 F. R. 14020, October 14, 1943) relating to United States Letters Patent No. 2,223,061; subject, however, to royalty free non-exclusive License Agreements dated June 14, 1944 (License No. 828-1) and July 12, 1945 (License No. 1495-2) by and between the Alien Property Custodian and Raytheon Manufacturing Company, Newton, Massachusetts, relating to United States Letters Patent Nos. 2,223,887 and 2,223,061 respectively.

Executed at Washington, D. C., on November 21, 1952.

For the Attorney General.

[SEAL] ROWLAND F. KIRKS,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 52-12676; Filed, Nov. 28, 1952; 8:49 a. m.]